

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA-911-2019 (O&M)

Date of decision:- 09.07.2019

Varinder Kumar

...Appellant

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Rajiv Kataria, Advocate,
Ms. Sunita Punia, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

This intra-court appeal under clause X of the Letters Patent is directed against the judgement and order dated 19.04.2017 passed by the learned Single Judge dismissing the writ petition filed by the appellant.

2. Office has reported delay and laches of 630 days in re-filing the appeal. The explanation submitted for this delay in the application under Section 151 of the Code of Civil Procedure, 1908 is that after the file was returned back by the Registry of this Court for removing objections, by a bonafide mistake, it was tied with another case and, thus, went in the bundle of decided cases on account of which the Clerk in the office of the counsel lost track of it and could not remove objections in re-filing. It was only when the appellant came to Chandigarh on 18.03.2019 after almost about two years to make an inquiry about the file, it was traced out and the objections were removed. It is unbelievable that a litigant would not make any inquiry for almost two years in respect of a matter which

is to be filed in the Court. The averment in this regard that no inquiry was made by him for almost two years is totally unpalatable and it appears to have been cooked up only to explain the inordinate delay in re-filing the appeal.

3. In the wake of the above facts, we are not satisfied that the explanation submitted for delay in re-filing is bonafide and accordingly we refuse to condone the same. The application for delay in re-filing the appeal stands dismissed.
4. Accordingly, the appeal also stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

09.07.2019
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No