



**CM-2525-LPA-2018 &
CM-2526-LPA-2018 in/and
LPA-945-2018** 1

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

**(229) CM-2525-LPA-2018 &
CM-2526-LPA-2018 in/and
LPA-945-2018
Date of Decision : April 02, 2026**

Anant Ram .. Appellant

Versus

State of Haryana and others .. Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Sumeet Mahajan, Senior Advocate, with
Ms. Shruti Singla, Advocate, for the applicant-appellant.

Mr. Aman Mittal, DAG, Haryana.

Mr. J.S. Bhatia, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

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1. Present application has been filed seeking condonation of delay of 783 days in filing the appeal.

2. Learned counsel for the applicant-appellant submits that the writ petition of the petitioner (appellant herein) was dismissed for non-prosecution on 02.03.2016. The appellant immediately filed an application for restoration of the writ petition but the same was also dismissed on 08.12.2017 on the ground that the explanation given by the learned counsel for the petitioner was not sufficient to restore the writ petition.



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3. Learned counsel for the applicant-appellant further submits that the present appeal was filed on 02.02.2018 within a period of thirty days from the receipt of copy of order dated 08.12.2017 hence, there is no delay in filing the appeal after the order dated 08.12.2017.

4. Learned counsel for the applicant-appellant further submits that if the period of delay is counted from the order dated 02.03.2016 only then it can be said that delay of 783 days has occurred.

5. Learned counsel for the respondents submits that there is a delay of 783 days in filing the appeal keeping in view the order passed though, it is being mentioned that the appeal is within the time frame, but keeping in view the order passed and the prescribed period of limitation of 30 days in filing the appeal, the present appeal was also time barred which shows as to with what kind of the attitude, the appellant is pursuing the remedy.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. As per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No. 2474-2475 of 2012 titled as Office of the Chief Post Master General and others Vs. Living Media India Ltd. and another, decided on 24.02.2012***, each day's delay has to be counted and explained so as to arrive whether delay in filing the appeal is bona fide or the same was due to the laxity on the part of the litigant and in the present case, the delay has not been explained and on the basis of the judgment of the Hon'ble Supreme Court of India cited hereinbefore, the same has rightly been



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declined. The relevant paragraphs of the said judgment are as under:-

“2. The following issues arise for consideration:

a) Whether the Office of the Chief Post Master General has shown sufficient cause for condoning the delay of 427 days in filing SLPs before this Court. Depending on the outcome of the above issue, other issues to be considered are:

b) Whether the impugned advertisement inserted in the Reader's Digest issue of December, 2005 is in conformity with the requirement of law.

c) Whether the Department has made out a case for interference under Article 136 of the Constitution of India to reopen concurrent findings of fact rendered by the High Court.

13. In our view, it is the right time to inform all the Government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The Government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for Government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.

14. In view of our conclusion on issue (a), there is no need to



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go into the merits of the issues (b) and (c). The question of law raised is left open to be decided in an appropriate case. In the light of the above discussion, the appeals fail and are dismissed on the ground of delay. No order as to costs.

8. In the absence of any valid justification coming forward for the condonation of delay, the said application cannot be accepted and the same is dismissed.

9. Even otherwise, present appeal has been filed challenging the order dated 02.03.2016 passed by the learned Single Judge in CWP No.16587 of 1994 by which, the writ petition filed by the petitioner has been dismissed for non-prosecution as well as the order dated 08.12.2017 by which, the application for restoration of the writ petition has also been dismissed.

10. Learned Senior Counsel for the appellant submits that all the efforts should be made to decide the issue between the parties on merits rather than dismissing the petition on default and further, once an application was made for restoration, lenient view should have been taken by the learned Single Judge to restore the same though, the same was not done and even the said application was dismissed.

11. Learned Senior Counsel for the appellant further submits that let the matter be remanded back to the learned Single Judge for decision on merits, which will be in the interest of justice.

12. Learned counsel appearing on behalf of the respondents submits that though, it is easy to say that the dispute should be decided on merits qua which aspect, there is no quarrel but the conduct of the parties



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should also be seen while deciding the petition and keeping in view the observations made by the learned Single Judge, the order dismissing the petition in default and then even the application seeking restoration was dismissed, is perfectly valid and legal and the said orders may kindly be upheld.

13. We have heard learned counsel for the parties and have gone through the record with their able assistance.

14. The order passed by the learned Single Judge clearly shows that the writ petition was of the year 1994. The said writ petition was dismissed for non-prosecution on 25.09.2014. On an application made, the said order was recalled and the writ petition was restored to its original number. Thereafter, seven opportunities were given to the appellant to argue the said writ petition but, the said opportunities did not result in a fruitful result. Thereafter, learned counsel for the appellant who was representing him before the learned Single Judge pleaded no instructions. It was under these circumstances that the writ petition was again dismissed for non-prosecution. Thereafter, an application was made but as no justification came for not arguing the case on seven occasions, the learned Single Judge rightly dismissed the application for declining the restoration of the same.

15. Though, all the efforts are required that the issue between the parties should be decided on merits but, the conduct of a particular party, cannot be ignored where, even after the dismissal of the writ petition in default on a particular occasion, was recalled and thereafter seven opportunities were given to argue and the writ petition was of the year 1994,



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there was no other ground with the learned Single Judge but to dismiss the same again. It was the conduct of the appellant which led to the passing of the said order and even in the application for recalling the such order, the said conduct has gone unexplained.

16. In case, such kind of a litigant is given another opportunity, the litigation between the parties never come to an end.

17. Keeping in view the totality of the circumstances, coupled with the fact that enough opportunities were given to the appellant to argue the writ petition which opportunities were not availed, no ground is made out for any interference by this Court in the present case.

18. Accordingly, the appeal is dismissed.

19. Civil miscellaneous application pending if any, also stands disposed of.

**(HARSIMRAN SINGH SETHI)
JUDGE**

April 02, 2026
harsha

**(DEEPAK MANCHANDA)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No