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

RSA-3849-2019(O&M)

Date of Decision : 27.08.2025

DHARAMPAL

... Appellant

VERSUS

AGM (OP) SUB DIVISION, REWARI AND ORS

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dheeraj Chawla, Advocate for the appellant.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the plaintiff-appellant challenging the judgment and decree dated 14.11.2017 passed by the learned First Appellate Court. Along with the present appeal, an application being CM-10396-C-2019 has been filed for condonation of delay of 520 days in filing the appeal. The application states that the impugned judgment and decree was passed on 14.11.2017 however the counsel for the plaintiff-appellant did not inform that the appeal had been decided and it was only in November 2018 when the plaintiff-appellant visited the Court premises that he came to know that the appeal had been decided on 14.11.2017. Thereafter, an application was filed for obtaining a certified copy which was delivered to him on 10.01.2019.

A perusal of the photocopy of the certified copy reveals that the date of application is 01.11.2018. The record was received on 02.11.2018 and the copy was prepared on 02.11.2018 itself. However, the same was only

collected on 10.01.2019. Therefore, this fact as stated in the application *ex facie* is incorrect.

2. It is further stated in the application that even after getting the certified copy, the same was misplaced and was traced out only in June 2019 and accordingly the present regular second appeal had been filed in July 2019. There is absolutely no explanation for the long delay of 520 days in filing the appeal. In the order dated 07.08.2024 it was noticed that the application seeking condonation of delay of 520 days is totally bereft of any explanation for condoning the delay. Learned counsel for the plaintiff-appellant had sought time and was granted an opportunity to file a better affidavit. The matter was adjourned to 17.12.2024. On 17.12.2024 none appeared on behalf of the plaintiff-appellant, however, a written request for an adjournment was circulated on behalf of the arguing counsel for the plaintiff-appellant on the ground that he was suffering from fever. The case was adjourned to today.

3. Till date a better affidavit has not been filed. Further, there is no explanation forthcoming for condoning the delay of 520 days in filing the appeal.

4. In view of the above, I find no merit in the application being CM-10396-C-2019 seeking condonation of delay of 520 days in filing the main appeal and accordingly the same is dismissed. Resultantly, the main appeal is also dismissed on the ground of limitation. Pending applications, if any, also stand disposed off.

27.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No