



RSA-3247-2023 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(115)

RSA-3247-2023 (O&M)  
Date of Decision:-17.02.2025

ZILE SINGH

.....Appellant

Versus

SUNIL KUMAR

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. Parveen Kaushik, Advocate for the appellant.

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**ALOK JAIN, J. (Oral)**

**CM-11615-C-2023**

Prayer in this application is for condonation of delay of 313 days in refiling the appeal.

For the reasons recorded in the application, the same is allowed subject to just exceptions.

Delay of 313 days in refiling the appeal stands condoned.

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1. The present appeal has been filed by appellant Zile Singh raising challenge to the judgment and decree dated 11.02.2011, which was passed on account of the appellant having been proceeded *ex parte* and on the basis of the cogent evidence led by the respondent-plaintiff. The said *ex parte* judgment and decree were sought to be set aside by filing an application under Order 9, Rule 13 CPC on 16.09.2011 and the same was dismissed by the Court below on 29.08.2016. Subsequently, the appellant filed an appeal against the order dated 29.08.2016 as well as against the judgment passed by the Court



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below on 11.02.2011 which also came to be dismissed by the First Appellate Court on 10.10.2018 by returning a finding in favour of the respondent-plaintiff as the appellant-defendant failed to prove any cogent evidence qua the reasons for delay as well as his stand that blank papers were got signed by him for effecting a compromise and not for entering into a sale deed. One of the reasons for the same was that the appellant-defendant himself had moved an application before the Court below when he was in custody to be released to enable him to appear before the Sub-Registrar for execution of the sale deed, which falsifies the entire stand of the appellant-defendant.

2. In light of the above and finding no merit in the present appeal, the same is dismissed on merits as well as unexplained delay of 560 days in filing the appeal as no ground is made out for condonation of the same, hence, the application also stands dismissed.

3. Pending miscellaneous application(s) shall stand disposed of.

**(ALOK JAIN)**  
**JUDGE**

**February 17, 2025.**

*S. Sethi*

Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No