



FAO-5681-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-19686-CII-2025 in/&
FAO-5681-2025 (O&M)
Date of Decision :24.09.2025

Pankaj @ Pankaj Vats

...Appellant

Versus

Diksha

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MRS. JUSTICE RAMESH KUMARI

Present: Mr. Rajesh Sharma, Advocate for the appellant.

* * *

*Harsimran Singh Sethi, J. (Oral)*CM-19686-CII-2025

1. Present application has been filed for condonation of delay of 342 days in filing the accompanying appeal.
2. Learned counsel for the applicant-appellant submits that the delay in filing the present appeal was due to the circumstances which were beyond the control of the appellant as he was not informed about the proceedings by the counsel.
3. We have heard learned counsel for the applicant-appellant and have gone through the record with his able assistance.
4. The averments made in the present application seeking condonation of delay of 342 days in filing the accompanying appeal are as under:-

“That the delay in filing the present appeal is



neither intentional nor deliberate but is solely attributable to the fact that the appellant-husband was unaware of the proceedings after 12.02.2024, when his defense was struck off by the learned Family Court and the matter was thereafter decided ex-parte. The appellant was never informed of this development by his counsel nor served with any effective intimation regarding the ex-parte order. Thus, the delay occurred due to bona fide reasons and circumstances beyond the appellant's control.”

5. A bare perusal of the above reproduced averments shows that when the petition was pending before the Principal Judge, Family Court, the defence of the appellant herein was struck off and thereafter, the appellant was proceeded ex-parte and the order was passed in the presence of the counsel for the appellant. All these facts clearly go to show that even before the Family Court, the appellant did not associate himself with the proceedings and after the proceedings came to an end, he did not initiate any proceedings despite the fact that order impugned was passed in the presence of the counsel for the appellant.

6. As per the settled principle of law settled by 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 is to be explained so as to satisfy the Court that the delay caused was beyond the control of the applicants-respondents. 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 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."*

7. In the present case, the delay has not been explained so as to take away the crystallized rights in favour of the respondent.

8. Further, as per the law settled by this Court in **CWP-1121-2025** **titled as Bank of Baroda vs. Union of India and others** decided on



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17.02.2025 in case an issue has been adjudicated by the competent Court of law and the aggrieved party has to file an appeal within time frame, in case there is a delay in filing the appeal, only the delay which is bonafide and beyond the control can be condone so as to take away the crystallized rights in favour of the other party.

9. In the present case, the delay of 342 days has not been explained at all so as to take away the crystallized rights of the respondent hence, in the absence of any valid justification given, the delay of 342 days in filing the accompanying appeal cannot be condoned and the present application is accordingly dismissed.

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10. Keeping in view the order passed in the application seeking condonation of delay of 342 days in filing the present appeal, the present appeal is dismissed being time barred.

**(HARSIMRAN SINGH SETHI)
JUDGE**

**(RAMESH KUMARI)
JUDGE**

September 24, 2025

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Whether speaking/reasoned : Yes

Whether reportable : No