



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

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**RSA-1783 of 2019 (O&M)  
Date of decision :16.09.2025**

**HARYANA URBAN DEVELOPMENT AUTHORITY (NOW HARYANA  
SAHARI VIKAS PRADHIKARAN) AND ANR**

**... APPELLANTS**

**VERSUS**

**GULSHAN KUMAR AND OTHERS**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Arvind Seth, Advocate  
for the appellants.

Mr. Pankaj Jain, Senior Advocate with  
Mr. Sachin Bhardwaj, Advocate  
for the respondents.

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**PARMOD GOYAL, J. (ORAL)**

The appellants-defendants are aggrieved by the judgment & decree dated 25.08.2009 passed by the Additional Civil Judge (Senior Division), Faridabad, in suit filed by the plaintiffs-respondents for declaration and permanent injunction. The Court of first instance had decreed the suit in favour of the plaintiffs, the resumption order dated 17.07.2000, passed by the Estate Officer, HUDA, was declared as illegal, null, and void. The Court further directed the defendants to accept the balance sale consideration of Rs. 3,54,750/- from the plaintiffs along with simple interest at 18% per annum from 19.12.1991. Additionally, the defendants were restrained from dispossessing the plaintiffs.



2. Aggrieved by the judgment and decree dated 25.08.2009 passed by the learned Additional Civil Judge (Senior Division), Faridabad the defendants had preferred an appeal before the First Appellate Authority. However, the Regular First Appeal was also dismissed by the learned District Judge, Faridabad vide judgment and decree dated 27.05.2010.

3. Along with the Regular Second Appeal, the appellants have filed an application seeking condonation of delay of 3,120 days in filing the appeal. The judgments of the courts below are dated 25.08.2009 (Court of First instance) and 27.05.2010 (First Appellate Court). However, the present appeal against the judgment of the First Appellate Court was filed only in the year 2019, after a delay of approximately nine years. In their application for condonation of delay, the appellants have submitted that they had engaged their panel Advocate, Shri Ajay Nara, who had allegedly filed the Regular Second Appeal under Diary No. 555654, titled "*HUDA vs. Gulshan Kumar and Others*". It is claimed that since the diary number showed appeal to be "pending," the appellants remained under the bonafide impression that the appeal had been properly instituted and was sub judice. It was further submitted that in the year 2015, the existing panel of advocates representing HUDA was scrapped, and the matter only came to attention again when execution proceedings were initiated by the respondents. Upon verification, it was found that Diary No. 555654 continues to reflect "pending" endorsement. The appellants assert that no further data or tracking information regarding the alleged filing was available, and hence the delay in filing the present appeal is claimed to be bonafide and unintentional.

4. The application for condonation of delay in the present case must be appreciated in the context of the fact that the judgment and decree passed by both the Trial Court and the First Appellate Court stands fully satisfied. The entire



decretal amount, along with interest at the rate of 18% per annum as directed by the Court of first instance, was duly paid by the respondents–plaintiffs. It is further not in dispute that the present appellants were duly served in the execution petition filed by the respondents–plaintiffs. Despite such service and knowledge of the execution proceedings, no effective steps were taken by the appellants after the year 2010 to ensure that the appeal was properly filed and listed before the Court. This prolonged and unexplained inaction reflects lack of due diligence and undermines the plea of bonafide belief regarding pendency of the appeal.

5. There is no material on record to support the appellants' claim that an appeal had in fact been filed through their earlier counsel. No affidavit from the said counsel has been placed on record in support of this assertion. It is, in fact, the appellants' own admission that, even after having been served in the execution proceedings, they did not take any steps to file an appeal or to seek a stay of the execution.

6. Undoubtedly, courts are generally liberal in considering applications for condonation of delay, as the aim is to allow matters to be decided on their merits rather than on technicalities. However, such leniency is not accorded casually in all cases without appreciation of facts and circumstances. Delay can be condoned only upon showing of sufficient cause. Acts clearly spelling negligence, apathy, or lack of bonafide effort cannot constitute sufficient cause, and are not condonable.

7. In the present case, the appellants have remained inactive for over nine years. During this period, substantive rights have accrued in favour of the respondents–plaintiffs, who have already paid the entire balance amount along with 18% simple interest, in compliance with the decree of the Trial Court.

8. Condoning the delay at this belated stage would cause grave



prejudice to the respondents–plaintiffs. The appellants cannot be permitted to benefit from their own inaction and negligence at the cost of the respondents, who have complied with the decree in full. The fault and negligence of the appellants cannot be a ground to penalize the respondents.

9. The present matter is a commercial dispute, the sole issue is regarding rate of interest payable. The Civil Court has already awarded 18% simple interest per annum whereas appellant was seeking compound interest & penal interest. Consequently, this case involves dispute regarding sum payable between the parties.

10. It was admitted by the learned counsel for the appellants during the course of arguments that no person within the appellants' department has been held responsible for the failure to file the appeal for over nine years. The appellants cannot be rewarded for their own negligence specially when decree stands satisfied in execution.

11. In view of the foregoing, no sufficient ground for condonation of delay are made out. The application for condonation of delay is accordingly dismissed.

12. Since the appeal is time-barred, it is also dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

16.09.2025  
manoj

**(PARMOD GOYAL)**  
**JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No