

**CM-11870-C-2025 in/and
RSA-415-2019 (O&M)**

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2025:PHHC:131761



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CM-11870-C-2025 in/and
RSA-415-2019 (O&M)**
Date of Decision: 22.09.2025

Nishan Singh

.... Appellant

Versus

Resham Singh

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sandeep Khunger, Advocate for the applicant/appellant.

Mr. Kamaljeet Singh Mamrat, Advocate for the respondent.

NIDHI GUPTA, J. (ORAL)

CM-891-C-2019

Prayer in this application filed under Section 151 CPC is for condonation of delay of 456 days in refiling the accompanying appeal.

2. The only reason cited in the application for condonation of delay of 456 days in refiling the appeal is *“That it was only on 12.1.2018 when the clerk for the counsel of the appellant taken out the brief of Bohar Singh Versus Surjeet Kaur, it was realized that the paperbook of the present case is lying in the said brief. Thereafter, the efforts were made to comply with the objections raised by the Registry and appeal has been refiled. However, during this period, a delay of 456 days has occurred in re-filing the appeal, which is not intentional but bonafide due to the reason mentioned above.”*



3. The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 456 days in refiling the present appeal. It is cardinal principle of law that delay of each day has to be explained. Reliance may be placed upon recent judgment of Hon'ble Supreme Court in **Civil Appeal No. 11794 of 2025** titled as **Shivamma (Dead) by LRs Vs. Karnataka Housing Board and others, 2025 INSC 1104 decided on 12.09.2025.**

4. As such, no ground is made out for condoning inordinate delay of 456 days. Present application accordingly stands dismissed.

CM-11870-C-2025

Prayer in this application filed under Section 151 CPC is for placing on record the Affidavit dated 26.03.2024 as Annexure A-1, executed by the parties regarding the compromise entered into between the parties.

Heard.

Application is allowed and the said Affidavit is taken on record as Annexures A-1, subject to all just exceptions. Registry is directed to tag the same at appropriate place.

RSA-415-2019 (O&M)

Defendant is in Second Appeal against the concurrent judgments and decrees of the learned Courts below, whereby the suit filed by the plaintiff for possession by specific performance of Agreement of Sale dated 11.06.2009, has been decreed by both the Courts below.

Vakalatnama filed on behalf of the respondent in Court today is taken on record.



Learned counsel for the parties are *ad idem* that the matter stands compromised between the parties vide Annexure A-1. Learned counsel for the appellant submits that the present Appeal may accordingly be disposed of.

Heard.

In view of the statement made by learned counsel for the parties, no further direction is required to be issued in the present case; and the same is accordingly disposed of.

Pending application(s), if any, stand(s) disposed of.

22.09.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No