(2012) 09 P&H CK 0373

High Court Of Punjab And Haryana At Chandigarh

Case No: Regular Second Appeal No. 4401 of 2010 (O and M)

Dhara Singh	APPELLANT
Vs	
Haryana State and Others	RESPONDENT

Date of Decision: Sept. 19, 2012

Hon'ble Judges: A.N. Jindal, J

Bench: Single Bench

Advocate: Pardeep Solath, for the Appellant; Ajay Gupta, Addl. A.G. Haryana, for the Respondent

Judgement

A.N. Jindal, J.

This regular second appeal preferred against the judgments passed by both the courts below, is accompanied by an application for condonation of 829 days'' delay in filing the same. The first appellate court decided the appeal preferred by the plaintiff-appellant against the judgment and decree dated 15.9.2006, on 23.1.2008. The appellant had applied for the copy of the judgment which was received by him. The Learned Counsel has urged that the said judgment, which was received by the appellant was lost by Mr. D.S. Punia, Advocate, to whom he had handed over the same for filing the appeal. He again applied for the copy of the judgment on 2.6.2010, which was prepared on 3.6.2010 and received by him on the same date and filed the appeal against the said judgment on 31.7.2010. Thus, he has prayed for condoning the 829 days'' delay which occurred in filing the present appeal.

2. The appellant has not mentioned any date as to when the copy of the judgment was delivered to Mr. D.S. Punia, Advocate and no affidavit of Mr. D.S. Punia, Advocate has been filed in order to support that he had received the copy of the judgment and he misplaced/lost the same. The appellant has also not produced any document pertaining to the communication by him with Mr. D.S. Punia, Advocate in order to support the allegations that he had handed over the said judgment to Mr. D.S. Punia, Advocate. No evidence of obtaining the copy in the year 2006 has also been placed on record.

3. As such, this huge delay of 829 days cannot be condoned.

4. Consequently, the application for condonation of delay is dismissed. Resultantly, the accompanying appeal also fails.