

(2014) 05 P&H CK 0517

High Court Of Punjab And Haryana At Chandigarh

Case No: RSA No. 3628 of 2013 (O&M)

Gram Panchayat Nangla Bhiku

APPELLANT

Vs

Chhotu Ram and Others

RESPONDENT

Date of Decision: May 20, 2014

Acts Referred:

- Limitation Act, 1963 - Section 5

Hon'ble Judges: Rakesh Kumar Jain, J

Bench: Single Bench

Advocate: J.S. Hooda, Advocate for the Appellant; R.S. Sihota, Sr. Advocate and Mr. B.R. Rana, Advocate for the Respondent

Final Decision: Dismissed

Judgement

Rakesh Kumar Jain, J.

CM No. 6379-C of 2014

1. Application is allowed.

2. Reply to the application for condonation of delay is taken on record.

CM No. 9735-C of 2014

3. This application is filed for condonation of delay of 409 days in filing the appeal. The grounds taken in the application are that due to development and other necessary programmes in the village and being confronted with domestic problems, the Sarpanch of the Gram Panchayat could not approach this Court within time and delay of 409 days has occurred. The application is contested by filing reply which is taken on record by separate order of today. In the reply, it is alleged that the application is totally vague as nothing has been mentioned as to what were the development programmes and domestic problems of the appellant due to which appellant could not approach the Court in time.

4. I have heard learned counsel for the parties. The Regular Second Appeal is filed under Article 116(a) of the Limitation Act, 1963 which provides for 90 days limitation from the date of decree of order. In case the limitation expires, it can still be extended if the application is filed u/s 5 of the Limitation Act but for that, applicant has to make out case to convince the Court that there was sufficient cause for not approaching the Court in time. Sufficient cause has not been defined in Section 5 as it depends upon facts of each case. In the present case, I have found from the record that the judgment and decree of the appellate Court is dated 30.04.2012 and certified copy was applied on 04.09.2013 long after the expiry of limitation to file the present appeal. It appears that the appellant has not looked after the interest of Panchayat as he did not even obtain certified copy in time. There is a resolution of the Panchayat on record which is also of 02.09.2013 passed by the Panchayat even before getting the certified copy of the judgment and decree of the appellate Court. It is really strange that without even looking into the judgment and decree of the appellate Court, the Panchayat had decided to file the appeal. In the absence of any evidence much less cogent in support of the averment made in para 2 of the application, it is suffice to say that the averments made in the application does not inspire the confidence for the purpose of condonation of delay. Hence, the application is hereby dismissed.

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5. In view of the above, the appeal is dismissed.