
(2016) 12 P&H CK 0141
In the Punjab And Haryana At Chandigarh
Case No : L.P.A. No. 1735 of 2016 [O&M]

Raj Kumar

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 09-12-2016

Acts Referred:

Citation : (2016) 12 P&H CK 0141

Hon'ble Judges : Mr. Mahesh Grover and Mr. Dr. Shekher Dhawan, JJ.

Bench : Division Bench

Advocate : Ms. Ritu Pathak, Advocate, for the Appellant

Final Decision : Dismissed

Judgement

Shekher Dhawan, J.—;This appeal is directed against the judgment dated 09.07.2014 passed by learned Single Judge of this Court in Civil Writ Petition No. 11169 of 1992 and the order dated 1.6.2016 passed in RACW No. 170 of 2016, filed after an inordinate delay of 696 days. The reason for delay have been given in para No. 2 of the application bearing CM No.3543-LPA of 2016 which we consider appropriate to extract here below:-

"2. That it is submitted that the civil suit petition was dismissed by this Hon'ble High Court vide order dated 09.07.2014. The office of the undersigned counsel sent information to the appellant through post. However, the appellant failed to receive the same on account of the fact that there reside three namesake persons, in the street, besides the appellant. Moreover, habitually, they never give back any letter, meant for other, which is accidentally delivered to/ receive by them. Furthermore, as the above mentioned petition had been earlier admitted and the appellant was under the bona fide impression that his case would be listed for arguments after a considerable gap of time. Hence the appellant came to know about the dismissal of his petition only in the year 2016, when he enquired about the same from his counsel. As soon as he came to know about the dismissal of the petition the appellant filed a review application R.A.

No.170 of 2016 which also stood dismissed vide order dated 01.06.2016 passed by the learned single judge of this Hon''ble Court. Thus, the delay of 696 days has been caused in filing the present LPA before this Hon''ble Court."

2. We have considered the ground taken in the application for condonation of inordinate delay of 696 days and have also heard learned counsel for the applicant-appellant.

3. A perusal of the judgment dated 9.7.2014 would reveal that the writ petition filed by the applicant-appellant was disposed of by learned Single Judge in the presence of learned counsel representing both the parties, including the present applicant-appellant. The only contention raised by learned counsel for the applicant is that intimation was sent to the appellant by post and the said communication was not received by him. This, in itself, is no ground because it shows complete apathy to the legal process especially when the party was duly represented by the counsel before the Court.

4. We would not insist on hyper technical approach, but certainly would expect some alertness at the hands of a litigant who wishes to approach this Court in no matter what proceedings. We cannot shut our eyes to such callousness. This Court is also constrained to observe that there is absolutely no justification manifesting itself from the contents of the application for condoning the delay.

5. Hon''ble Supreme Court of India in P.K. Ramachandran v. State of Kerala and another, AIR 1998 SC 2276 has held as under:

"Law of limitation may harshly effect a particular party but it has to be applied with all its rigour when the statute so prescribes and the Courts have no power to extend the period of limitation on equitable grounds. The discretion exercised by the High Court was, thus, neither proper nor judicious. The order condoning the delay cannot be sustained."

6. In Raghu bansh v. State of Haryana, 1998(2) R.C.R. (Civil) 108, a Division Bench of this Court while dealing with the issue held as under:

"It is undoubtedly true that in Chandra Mani's case it was observed that the Court should be liberal and the expression "sufficient cause" should be pragmatically construed in a "justice oriented approach". However, even by most liberal construction it does not appear to be possible to say a complete good-bye to the Limitation Act and to hold that whatever be the delay and howsoever unsatisfactory the explanation, the Court is bound to condone it."

7. Keeping in view the aforesaid, we are not satisfied that in the facts and circumstances of this case, any explanation, much less a reasonable or satisfactory one had been offered by the appellant for condonation of the inordinate delay of 696 days.

8. The appeal stands dismissed on the ground of delay.