
(1989) 08 P&H CK 0003

In the Punjab And Haryana At Chandigarh

Case No : Civil Miscellaneous No's. 249 CII of 1989 and 250 CII of 1989

Sheela Devi

APPELLANT

Vs

Kailash Rani Alias Ram Ditti

RESPONDENT

Date of Decision : 11-08-1989

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (1989) 08 P&H CK 0003

Hon'ble Judges : J.V. Gupta, J

Bench : Single Bench

Advocate : H.L. Sarin, for the Appellant; Ashish Handa, for the Respondent

Final Decision : Dismissed

Judgement

J.V. Gupta, J.—This is an application for condonation of delay u/s 5 of the Limitation Act, 1963, in filing the appeal as an indigent person. According to the averments made in the application, the Petitioner remained sick from November 18, 1988 to December 18, 1988. with high blood pressure and rheumatic pain due to which she could not undertake travel from Muktsar to Chandigarh. Reply to the said application has been filed in which it has been denied that the Petitioner remained sick as alleged. It has been further pleaded therein that the Petitioner Smt. Sheela Devi was quite hale and hearty during the said period and could easily undertake travel from Muktsar to Chandigarh for filling the appeal as an indigent person. In these circumstances, I do not find that there are sufficient reasons to condone the delay of 28 days in filing the appeal as an indigent person.

2. Apart from that the two courts below have dismissed the suit filed by Smt. Sheela Devi Plaintiff as an indigent person. Therefore, it was all the more to be vigilant to file the appeal as an indigent person within time. Consequently, the application for condonation of delay is dismissed.

3. As a result thereof, the petition seeking leave to file appeal as an indigent

person also stands dismissed as barred by time.