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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**Civil Misc No. 10837-C of 2007 and**  
**R. S .A. No. 3845 of 2007**  
Date of decision: 30.11.2007

**State of Punjab and others**

**...Appellants**

**Versus**

**Mohinder Kaur**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL**

Present: Mr. Ram Lal Gupta, Additional Advocate General, Punjab  
for the appellants.

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**RAJESH BINDAL, J.**

This is an application for condonation of delay of 643 days in filing the Regular Second Appeal.

The suit was filed by the respondent for declaration to the effect that she was entitled to monthly subsistence allowance @ Rs. 2,500/- per month from the date when her only son Swinder Singh, was killed by the terrorists on the night between 11<sup>th</sup> and 12<sup>th</sup> January, 1989. The claim was set up on the basis of Government instructions. The suit was decreed by the trial Court. The State failed in the appeal before the Ist Appellate Court. The judgment and decree of the Ist Appellate court is dated November 19, 2005. The appeal against this judgment and decree is sought to be preferred only on November 22, 2007 after the delay of 643 days. The averments in the application are as vague as possible. The District Attorney himself opined that case was not fit for filing appeal vide letter dated March 10, 2006. His opinion was sought on March 7, 2006, which itself was beyond the period of filing the appeal against the judgment and decree dated November 19, 2005. Still the appellants kept on sleeping over the matter and it was only on November 2, 2007 approval was given by the Government to file appeal. The reasons mentioned in the application for

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condonation of delay are not at all convincing. Accordingly, I do not find any merit in the same. Even otherwise, if the merits of the case, as was dealt with by the Courts below, are seen, it has been held concurrently that it was in terms of the notification No. 6/621-RR-2/17490 dated 31.12. 1996 issued by the appellants-State that respondent has been held entitled to subsistence allowance of Rs. 2,500/- per month on account of death of her only son.

Accordingly, I do not find any merit in the application for condonation of delay as well as in the appeal and the same are dismissed.

**November 30, 2007**  
**Pka**

**(Rajesh Bindal)**  
**Judge**