

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

**LPA No. 1499 of 2018 (O&M)
Date of decision: 30.11.2018**

Surjan Ram

... Appellant

Versus

Haryana Power Generation Corporation Ltd. and others ..Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. J.S. Maanipur, Advocate
for the applicant-appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

This intra-court appeal, under Clause X of the Letters Patent, has been filed by the petitioner-appellant, challenging the judgment and order dated 19.1.2016, passed by the learned Single Judge, dismissing the writ petition.

Office has reported delay and laches of 911 days in filing the appeal. The only explanation offered by the appellant for this inordinate delay is that immediately after decision of the appeal, he suffered a depression attack and since then he was under continuous treatment and as such he could not file the appeal in time. After recovering from the illness, he has filed the present appeal. To support the assertions, a medical certificate, said to have been issued under the signatures of one Dr. S.P.S. Chauhan, who is alleged to be M.D. (Physician) in Jagadhri Medical Centre, has been filed, which goes to certify that the appellant-petitioner was a case of mixed anxiety depression and was under his treatment from 19.1.2016.

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It is surprising to note that on the letter head of the Medical Centre, on which the medical certificate has been issued, Dr. S.P.S. Chauhan is shown to be M.D. (Heart & Chest Specialist), though one Dr. S. Panchal, Psychiatrist, MBBS, DPM, is there on the panel of the hospital. We really find it amazing that treatment was being done by the heart and chest specialist, instead of a Psychiatrist, who was available in the hospital.

We are prima facie of the view that the assertions made in the application under Section 5 of the Limitation Act have been simply cooked up for the purpose of filing this appeal and the same do not inspire confidence. Further, the documents filed in support of the delay condonation application appear to be manufactured documents and no reliance can be placed thereupon.

In view of the above, the inordinate delay of 911 days is not liable to be condoned and the application under Section 5 of the Limitation Act stands dismissed. As a result, the appeal stands dismissed as barred by limitation.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

November 30, 2018
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO