

**IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA**

**Civil Revision No.26 of 2019**

**Reserved on : 13.8.2019**

**Decided on: 30.8.2019**

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Nirmala Kaundal

**.....Petitioner.**

**Versus**

Bhupinder Sharma

**...Respondent.**

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**Coram**

**The Hon'ble Mr. Justice Sureshwar Thakur, Judge.**

Whether approved for reporting?

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**For the Petitioner: Ms. Soma Thakur, Advocate.**

**For Respondent: Mr. B.S. Thakur, Advocate.**

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**Sureshwar Thakur, Judge**

The instant petition is directed, against the dis-affirmative order, recorded by the learned appellate Authority, upon an application, cast before him, under the provisions of Section 5 of the Limitation Act, (a) wherethrough the revisionist/petitioner, sought, relief, of, condonation of delay in the institution of an appeal,

against the verdict, recorded by the learned Rent Controller concerned. The learned petitioner, being aggrieved therefrom, has, for setting aside the impugned verdict, hence has constituted, against it, the extant petition before this Court.

2.           However, the learned counsel, appearing for the petitioner has relied, upon, the material appended with the extant petition, for therethrough, hers making a contention, qua good, tangible and sound reasons, being encompassed therein hence in explication, of, the apposite delay, also has made a vigorous espousal before this Court, that, the afore material, has been untenably discarded, and, hence contends, that the impugned verdict rather warrants interference.

3.           However, the material, if any, appended with the extant petition, by the learned counsel, for the petitioner, for therethrough, hers making, the afore espousal before this Court, is unmeritworthy, (a) as the afore material was enjoined to be tendered into evidence by the petitioner/revisionist, before the appellate

authority concerned, (b) and thereupon it may be concluded, that, hence she has adduced cogent discharging evidence, vis-à-vis, the requisite issue. However, the perusal of the records, discloses, that despite several opportunities, standing granted, to the petitioner, hers yet not availing any of the afore opportunities, and, obviously when she failed to adduce the apposite cogent discharging evidence, vis-à-vis, the requisite issue (c), and, whereas, only upon adduction, of, the afore evidence before the learned Appellate Court, it may be concludable, that, there is any misdemeanor on the part, of the appellate Authority, to mis-appraise evidence, if any, or its failing to appraise, the, germane and apposite adduced evidence, if any, rather, for afore omissions, it is befitting to conclude, qua thereupon it being meritworthy, and, it not requiring any interference.

4. Consequently, there is no merit in the petition, and, the same is dismissed. The impugned verdict, pronounced on 31.10.2018, by the learned

Appellate Authority in CMP No. 155-S/6 of 2016, is affirmed and maintained. All pending application(s), if any, are disposed of. No costs.

**(Sureshwar Thakur)**  
**Judge**

30.8.2019  
(kalpana)