IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.M. No.\_\_\_\_\_ of 2015

IN F.A.O. No. \_\_\_\_\_ of 2014

Smt .Laxmi & others --- Appellants

VERSUS

Dev Kishan and others --- Respondents

Application under section 151 of CPC for condonation of delay of 714 days in refilling the present appeal.

**RESPECTFULLY SHOWETH:**

1. That the applicants/appellants are filing the accompanying appeal, which is likely to succeed on the ground taken therein.

2. That the applicant/appellants prayed that the grounds taken in the grounds of appeal may kindly be read as a part of this application in the interest of justice.

3. That the appeal was filed on 19.03.2013 and it was returned by the registry on 08.04.2013 with certain objections. The appellants were informed after the filing of the appeal that their appeal has been filed.

4. That the clerk Sh. Ramesh to the counsel for the appellants after taking the paper book from the registry had inadvertently placed it in the admitted briefs in the office of the counsel for the appellants. Under the pressure of work it skip from the mind of the clerk as well as the counsel for the appellants. Now on 27.05.2014 the appellants inquired about the status of their case then it was found out that the appeal is in objections.

5. That after putting great efforts by the counsel and his clerk the brief was found out in the office among the admitted cases and it is refilled after removing the objections raised by the registry without any further delay. But the registry again returned the case with objections on 28.06.2014 during summer vacation. But the clerk to the counsel returned from his home in Uttrakhand on 9th of July, after vacations due to the bad whether the route of his village was closed. He had taken the case from the registry on 10th of July and on that day CWP No. 22453 of 2011 titled as Sandeep Versus Union of India and others was listed for hearing and it was disposed of. The file of this case was inadvertently put in this brief and it skip f from his mind. Now when disposing the cases it was found in that brief and refilled immediately after needful has been done. In this way a delay of 714 days has occurred in refilling the appeal. This delay is neither intentional nor malafide but due to the above stated reasons and due to limitation of human faculty.

6. That if the delay of 714 days in refilling is not condoned then the appellants will suffers irreparable loss which could not be compensated in any terms.

It is, therefore, respectfully prayed that the present application may kindly be allowed and delay of 714 days in filing the appeal may kindly be condoned in the interest of justice.

NOTE: AFFIDAVIT IS ATTACHED