



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMP(M) No.33 of 2023

Date of Decision : March 15, 2023

Laxmi Nand

.....Petitioner

Versus

M/s Hotel Asia the Dawn

.....Respondent

Coram:

**The Hon'ble Ms. Justice Sabina, Acting Chief Justice
The Hon'ble Mr. Justice Satyen Vaidya, Judge.**

Whether approved for reporting?¹

For the petitioner : Mr. A.K. Gupta & Ms. Babita, Advocates.

For the respondent : None.

Sabina, Acting Chief Justice (Oral)

Vide this order application under Section 5 of the Limitation Act for condonation of delay in filing the Letters Patent Appeal would be disposed of.

2. Learned counsel for the applicant/appellant has submitted that the delay in filing the appeal is neither intentional nor deliberate and was *bona fide*.

3. Appellant was working with the respondent-Management and his services were terminated. Appellant raised an industrial dispute and the Labour Court set aside the order of his termination passed by the management and directed his reinstatement in service along with all consequential benefits and back wages to the extent of 25%.

¹ **Whether reporters of Local Papers may be allowed to see the judgment?**

4. Learned Single Judge vide its order dated 25th July, 2019 partly allowed the writ petition filed by the respondent-Management challenging the award passed by the Labour Court and set aside the part of the award whereby 25% back wages were allowed to the appellant. The order was passed by the learned Single Judge on 25th July, 2019. However, the Letters Patent Appeal, challenging the order passed by the learned Single Judge, has been filed after the delay of 2 years 7 months and 4 days.

5. In the application filed by the applicant-appellant seeking condonation of delay in filing the appeal, the reason given is that due to various domestic problems and the fact that he could not arrange money for filing the appeal, delay had occurred. The said reason cannot be said to be sufficient ground to condone the delay in filing the letters patent appeal. Applicant-appellant could have availed the benefit of Legal Aid, in case he was having any financial issue. Vague reason has been given that due to various domestic problems, applicant-appellant could not file the appeal within the prescribed period of limitation. We are conscious of the fact that while dealing with an application seeking condonation of delay in filing the appeal, liberal approach is required to be adopted, but, in the present case, the delay in filing the appeal cannot be said to be *bona fide*.

6. Accordingly, application is dismissed. Consequently, the Letters Patent Appeal is dismissed being time barred.

Pending application(s), if any, shall also stand disposed of.

(Sabina)
Acting Chief Justice

(Satyen Vaidya)
Judge

March 15, 2023 (ps)