

by the Court of Ld. Senior Civil Judge Shimla on 13.06.2019.
Rests of the contents are wrong, hence, denied. It is submitted
that it is settled principal of law that one cannot take benefits of
his own wrongs.

3. That the contents of Para 3 of the application are wrong, hence,
denied. It is submitted that the grounds made in the application
by the applicant to condone the delay are too fragile to be
sustainable in the eyes of law.
4. That the contents of para 4 are wrong hence denied. The reason
given by the applicant for not filing the appeal within the period
of limitation is not satisfactory. In the absence of reasonable
explanation for condonation of delay, present application
deserves to be dismissed.
5. That the contents of Para 5 of the application are wrong hence
denied. The explanation given in the application is not
sufficient to condone the delay in filing appeal. It is specifically
denied that no prejudice is going to cause to
respondent/Defendant in case the present application for
condoning the delay in filing the appeal is allowed as well as
applicant would suffer an irreparable loss and injury which
cannot be compensated in terms of money or otherwise.

It is, therefore, respectfully prayed that the present
application being devoid of merits and as such may be
dismissed in the interest of justice and fair play.

Anoop
Non-Applicant/Respondent
District Shimla, (H.P.)

Through

District Attorney/Govt. Pleader.

In the Court of Ld. Addl. District Judge, Shimla at Shimla.

Application No. of 2019

In the matter of:

Sh. Ram rattan Sharma S/o Shri Loungu Ram (Ex-MLA) R/O
Village & P.O. Chakmoh presently resident of Mehre Tehsil
Barsar District Hamirpur, H.P.

.....Appellant.

Versus

The State of Himachal Pradesh through its Secretary Home, H.P.
Secretariat, Chotta Shimla-2 and others.

AFFIDAVIT

I, Omapati Jamwal S/o Sh. Bhoop Chand

Jamwal, aged 49 Years, presently posted as the Superintendent of
Police, Shimla, occupation Government service, do hereby
solemnly affirm and declare as under:-

1. That the accompanying reply to the application under
Section 5 of the Limitation Act, 1963 has been drafted under my
instructions and on my instance. The contents of preliminary
submission and reply to Para's 1 to 5 of merit are true and correct
to the best of my knowledge as derived from office record. No
part of the same is false and nothing material has been concealed
therefrom.

2. That the contents of this affidavit in para 1 are true
and correct to the best of my knowledge and belief. No part of
this is false and nothing material has been concealed therefrom.

Verified at Shimla this 31st December, 2019.

In the Court of Ld. Addl. District Judge, Shimla at Shimla.

Application No. of 2019

In the matter of:

Sh. Ram Rattan Sharma S/o Shri Loungu Ram (Ex-MLA) R/O Village & P.O. Chakmoh presently resident of Mehre Tehsil Barsar District Hamirpur, H.P.
.....Appellant.

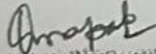
Versus

1. The State of Himachal Pradesh through its Secretary Home, H.P. Secretariat, Chotta Shimla-2.
2. The Director General of Police, Police Headquarter, Nigam Vihar, Chotta Shimla-2.
3. Shri Jagnath Dogra S/o Sh. Nandu Ram, R/o Village Kotlu Sawari, Tehsil Sarkaghat District Mandi H.P. (Since Deceased)
4. Sh. Atul Kumar, ASI Investigating Officer, Police Station East, Chotta Shimla-2 presently Incharge Police Post Pandoga, District Una H.P.
5. Shri K. D. Sharma presently Serving as Station House Officer, Police Station West, Boileaugang, Shimla-6.

.....Respondents.

Reply to the Application under Section 5 of Limitation Act on behalf of respondent Nos. 1 & 2 through the Superintendent of Police, Shimla.

Preliminary Submission:-


Anupam
Superintendent of Police,
District Shimla, (H.P.)

That the present application is not maintainable in the present form as the applicant has not given the reasonable or satisfactory explanation for condonation of delay for filing the present appeal. The appeal is filed after 06 days. As per the settle position of law each day of delay be explained with cogent and convincing explanation and sufficient cause is a condition precedent for exercise of discretion for condoning the delay.

Reply on merit: