



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

**Date of decision : 11<sup>th</sup> of March, 2023**

1. **CR-572-2022 (O&M)**
2. **CR-573-2022 (O&M)**

GURADITTA SINGH

...Petitioner

Versus

LAKHWINDER SINGH

...Respondent

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Lupil Gupta, Advocate with  
Mr. Rahul, Advocate for the petitioner.

Mr. Surinder Garg, Advocate for the respondent.

**PANKAJ JAIN, J. (ORAL)**

Instant two revision petitions are directed against order dated 21.10.2021 passed by Additional Civil Judge (Senior Division), Faridkot whereby application filed under Order VII Rule 11 CPC by the defendant, stands rejected.

2. Plaintiff filed suit for recovery on the basis of pronote dated 22.11.2017. The plaint was presented on 23.11.2020. The plaint could be presented by or on 23.11.2020. Trial Court rejecting the plea raised by petitioner regarding the suit being barred by time held as under:

“10. Then, under section 4 of the Limitation Act, 1963, if the prescribed period for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the Court reopens.

11. Thus, by applying the provision under section 12(1) of the Limitation Act, 1963, period of three years prescribed under the Limitation Act to present the plaint in the matter in hand, was to expire on 22.11.2020, which was Sunday and presentation of plaint on 23.11.2020, upon reopening of the Court, as provided under Section 4 of the Limitation Act, 1963, mentioned above, was within limitation.

12. Then, if it is accepted, for the sake of argument only, that 21.11.2020 was the last day of limitation to present the present suit, as claimed by the defendant. Admittedly, 21.11.2020 and 22.11.2020 were holidays on account of Saturday and Sunday respectively. The Subordinate Courts in the States of Punjab, Haryana and UT Chandigarh as well as establishment of Hon'ble the High Court of Punjab and Haryana at Chandigarh have been kept closed on every working Saturday till further orders vide letter bearing endorsement No. 35/RG/Spl/Misc dated 27.08.2020 by Hon'ble the High Court of Punjab and Haryana at Chandigarh. Thus, even in such a situation, filing of the present suit on 23.11.2020, when the Courts reopened, cannot be held to be barred by limitation.

3. Finding that the Trial Court did not err or commit any material irregularity in dismissing the application filed by the defendant under Order VII Rule 11 CPC, the instant revision petitions are ordered to be dismissed.
4. Pending application(s), if any, shall also stand disposed off.
5. A copy of this order be kept on the file of other connected case.

**March 11, 2025**

**Dpr**

**(Pankaj Jain)  
Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No