



CR No. 6279 of 2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119) CR No. 6279 of 2025 (O&M)
Date of Decision : 09.09.2025

D.I.G. CISF and others

...Petitioners

Versus

Smt. Phulan Devi

...Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Ms. Krishna Dayama, Advocate for the petitioners.
(though Video Conferencing)

Amarinder Singh Grewal, J. (Oral)

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 19.05.2025 (Annexure P-5), passed by the learned District Judge, Bhiwani, in Civil Appeal No. 272 of 2024, titled as *D.I.G. CISF and others vs. Smt. Phulan Devi*, whereby the application filed by the petitioners-defendants for condonation of delay of 194 days in filing the said appeal has been dismissed.

2. The brief facts of the case are that the respondent-plaintiff, Smt. Phulan Devi, instituted a suit for mandatory injunction, bearing Civil Suit No. 253 of 2017, before the learned Additional Civil Judge (Senior Division), Bhiwani, seeking release of family pension in her favour.

2.1 The petitioners-defendants filed their written statement before the learned lower Court. Seven issues were framed, including the issue of relief. Both parties adduced evidence, and ultimately, the suit filed by the



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respondent-plaintiff, Smt. Phulan Devi, was decreed vide judgment and decree dated 28.02.2024 (Annexure P-2). The petitioners-defendants were directed to release the family pension of deceased Constable Suresh Kumar in favour of the respondent-plaintiff, Smt. Phulan Devi, in accordance with the applicable Rules, on account of the re-marriage of the widow, with effect from the date on which the pension of deceased Constable Suresh Kumar had been stopped in favour of Smt. Sushila.

2.2. Thereafter, the petitioners-defendants preferred an appeal before the learned District Judge, Bhiwani, challenging the judgment and decree dated 28.02.2024 (Annexure P-2) passed by the learned lower Court. Along with the appeal, they also filed an application under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 194 days in filing the appeal, on 10.10.2024 (Annexure P-4). Notice of the said application was issued to the respondent-plaintiff.

2.3 After hearing learned counsel for the parties, the learned District Judge, Bhiwani, dismissed the application for condonation of delay of 194 days, as well as the appeal, holding that no sufficient cause had been shown so as to entitle the appellants-defendants (petitioners) to a favourable order for condonation of delay in filing the appeal.

3. Learned counsel for the petitioners contended that the appeal could not be filed within the prescribed period of limitation. He submitted that since the petitioners constitute a Government body, certain procedural complexities arose in obtaining and verifying the requisite record, and as such, the appeal could not be filed within time.



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4. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

5. In view of the order proposed to be passed, notice is not being issued to the respondent as it would delay the proceedings besides entailing additional expense to the respondent.

6. Keeping in view the facts and circumstances of the present case and as discussed above, this Court is of the considered opinion that the petitioners-departments required some time in filing the appeal after considering the documents and completing procedural formalities. In case the appeal was filed after a delay of 194 days before the learned District Judge, the learned District Judge ought to have adopted a liberal approach in dealing with the application for condonation of delay, rather than dismissing both the application as well as the appeal. Since the petitioners are the Government departments and valuable rights of the petitioners are involved, this Court is of the view that they deserve an opportunity to pursue their appeal before the learned District Judge, Bhiwani.

7. Consequently, the petition is allowed. The impugned order dated 19.05.2025 (Annexure P-5), passed by the learned District Judge, Bhiwani, is hereby set aside. The petitioners are directed to appear before the learned District Judge and take appropriate steps, as per the provisions of law.

September 09, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No