

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

RSA-3196-2025 (O&amp;M)

Date of decision: 15.09.2025

Gurmit Singh

...Appellant

Versus

Municipal Council, Nabha, District Patiala and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Ishnoor Singh, Advocate the appellant.

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**DEEPAK GUPTA, J. (ORAL)**

This is an application bearing CM-11449-C-2025 under Section 5 of The Limitation Act for condonation of delay of 7069 days in filing the present appeal.

2. Suit for declaration and permanent injunction filed by Gurmit Singh (appellant herein) along with two others was decreed by the trial Court in terms of judgment dated 21.12.2002. The defendant-Municipal Council, Nabha filed the appeal in which the present appellant-defendant No.1 was duly represented through his counsel. The appeal was disposed of by the Court of Ld. Additional District Judge, Patiala way back in 27.01.2004.

3. Now the present appeal has been filed against the aforesaid judgment passed by Ld. Additional District Judge, Patiala along with the application to condone the delay of 7069 days.

4. It is submitted that while partly allowing the appeal of the Municipal Council, Nabha, by way of judgment dated 27.01.2004, the relief of declaration of respondents No.1 to 3 of that appeal i.e. appellants herein regarding title was declined. Only a decree of permanent injunction was passed, as per which the appellant of that appeal i.e. Municipal Council could not interfere in the possession of the present appellants by force, though the Municipal Council could take the possession in due course of law.



5. It is submitted further that in 2007, suit for possession of the suit land was filed by the respondent-Municipal Council, which was contested by the appellants and decreed on 30.09.2014. Appeal preferred by the appellant was dismissed on 10.07.2017. They filed RSA-5745-2017 before this Court, which is still pending for adjudication. It is during pendency of the said RSA that appellant discovered that in the earlier litigation, relief for declaration of title had been declined to them and then their counsel advised them to file the present appeal along with the instant application.

6. This Court has considered the submissions of learned counsel and has also gone through the contents of the application for condoning the huge delay of 7069 days. This Court finds absolutely no justification to condone this huge delay of more than 19 years only for the reasons that appellants were under impression that they had succeeded and that the relief of title was declined. As per the own contention of the applicant, suit by the respondent-Municipal Council had been filed in 2007 seeking possession, which was dismissed in 2014 and then the appeal of the applicant was dismissed on 10.07.2017. It is unimaginable that despite the respondent seeking possession by filing suit in 2007, the appellants were not aware of the final findings of the First Appellate Court in the earlier litigation rendered on 27.01.2004.

7. In the aforesaid circumstances, there is no ground for condoning the huge delay of 7069 days. Finding no merits in application for condonation of delay, i.e. CM-11449-C-2025, the same is hereby dismissed.

8. Consequent to the dismissal of the application for condonation of delay, the appeal itself is dismissed being barred by limitation.

**15.09.2025**

*Yogesh*

**(DEEPAK GUPTA)**  
**JUDGE**

Whether speaking/reasoned:- Yes/No  
Whether reportable:- Yes/No