



121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1986-2019 (O&M)
Date of decision : 21.01.2025

SALWINDERJIT SINGH

....Petitioner

Versus

GURMEET KAUR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Sharad Mehra, Advocate
for respondents No.1 and 2 (through V.C.)

PANKAJ JAIN, J. (ORAL)

Instant revision petition is directed against order dated 17.09.2018 passed by Civil Judge (Junior Division), Amritsar whereby application filed by the petitioner seeking restoration of the civil suit stands declined being barred by limitation.

2. Plaintiff filed suit seeking decree of declaration propounding registered sale deed in his favour on 14.11.2014. The same was ordered to be dismissed in default under Order 9 Rule 8 CPC after the plaintiff failed to appear till 4.00 PM. The present application was moved on 19.12.2014 seeking restoration of the suit. Same stands dismissed holding that the application was barred by limitation as the limitation prescribed for filing application in terms of Article 122 of the Limitation Act is 30 days and the



application was filed on 35th day of the dismissal of the suit. Trial Court further found that the stand of the two plaintiffs were at variance and does not inspire confidence.

3. While assailing the impugned order, Ld. counsel for the petitioner has drawn attention of this Court to Annexures P-3 and P-4 viz the orders passed by this Court in CRWP No.1645 of 2014. The same pertain to petition filed by a run-away couple seeking protection. Referring to the aforesaid orders, counsel for the petitioner submits that the petitioner-girl in the said petition is daughter of the petitioner. The whole family was present in the High Court and thus could not attend proceedings in Civil Suit.

4. Mr. Mehra however submits that falsity of the claim of the petitioner has been noticed by the Court. The application apart from being barred by the time also lacks *bona fide* and thus no fault can be found with the order passed by the Trial Court.

5. Having heard rival contentions and after going through records of the case, this Court is of the opinion that the present revision petition merits acceptance. Limitation is governed by Article 122 of the Limitation Act. However, at the same time under Section 5 of the Limitation Act, the Court has power to condone the delay wherever a sufficient cause is shown by the party seeking condonation of delay.

6. In the present case, this Court finds that the plaintiff has sufficient cause to offer which merits acceptance to condone delay of 5 days. Thus, the Court instead of taking hyper-technical view, ought to have



proceeded on to decide the civil suit on merits. Resultantly, the present petition is allowed. Impugned orders are hereby set aside. The parties are directed to appear before the Trial Court on 17.02.2025

7. Keeping in view that the civil suit relates to the year 2014, this Court is sanguine that the Trial Court shall make an endeavour to decide the suit expeditiously, in accordance with law.

8. Pending application, if any, shall also stand disposed off.

January 21, 2025

**(Pankaj Jain)
Judge**

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No