



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

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CR-1577-2025

Date of Decision.:17.03.2025

Rishi Pal

.....Petitioner

Vs.

Jagat Singh and Others

.....Respondents

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

Present:- Mr. Yogeshwar Dayal Kaushik, Advocate and  
Ms. Jony Bansal, Advocate for the petitioner.

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

Suit for declaration and permanent injunction filed by plaintiffs Hari Chand and Others was decreed by the trial Court on 26.11.2011. The three defendants Jagat Singh, Daya Chand and Daya Ram (*respondents herein*) filed appeal against the said judgment of the trial Court before the first Appellate Court. Along with the appeal filed on 15.04.2017, they moved an application for condoning the delay of 5 years 3 months and 15 days in filing the appeal under Section 5 of the Limitation Act.

2. Vide order dated 15.04.2017 (*Annexure P-1*), the Appellate Court admitted the appeal and directed to serve notice of the appeal as well as the injunction application to the respondents-plaintiffs. The application under Section 5 of the Limitation Act was ultimately disposed of on 17.02.2023 by allowing the same.

3. Present revision has been filed by one of the plaintiffs, assailing the order dated 15.04.2017 (*Annexure P-1*), whereby civil appeal was admitted, without deciding the application under Section 5 of the Limitation Act; and also assailing the order dated 17.02.2023 (*Annexure P-2*), allowing the application of the respondents under Section 5 of the Limitation Act, condoning the delay for filing the appeal.

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4. The sole submission made by learned counsel for the appellant is that appeal could not have admitted by the first Appellate Court on 15.04.2017, without deciding the application under Section 5 of the Limitation Act for condonation of delay.

5. On specific query put by this Court, it is conceded by learned counsel that the respondents to the appeal i.e. plaintiffs had put in appearance before the first Appellate Court in 2017 itself and had been supplied copy of the application for condonation of delay also. It is also conceded that they never pressed the Appellate Court to decide the application for condonation of delay first.

6. Not only above, the order dated 15.04.2017 and the subsequent order dated 17.02.2023 are being assailed by the petitioner by way of this revision in March, 2025 i.e. approximately 8 years from the date of the initial order and after more than 02 years from the passing of the order dated 17.02.2023.

7. Learned counsel for the petitioner is unable to convince this Court regarding delay and laches in assailing the impugned orders. Appeal is still pending before the first Appellate Court.

8. In the aforesaid facts and circumstances, this Court does not find merit in the present revision and as such, the same is hereby dismissed being barred by principle of delay and laches.

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

**March 17, 2025**

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No