



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**225**

**CR-5520-2024(O&M)**  
**Date of decision: 11.07.2025**

**Savitri Devi & Another**

**...Petitioner(s)**

**Vs.**

**Amardass & Others**

**...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Som Nath Saini, Advocate  
for the petitioners.

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**NIDHI GUPTA, J.**

Present Revision Petition has been filed by the plaintiffs under Article 227 of the Constitution of India against impugned order dated 15.07.2024 (Annexure P6) passed by learned Additional District Judge, Jalandhar whereby application filed by the petitioners under Section 5 of the Indian Limitation Act (Annexure P3) for condonation of delay was dismissed; **and** against the judgment and decree dated 25.02.2016 (Annexure P2) passed by learned Civil Judge (Junior Division), Jalandhar whereby suit filed by the petitioners for declaration was partly decreed.

2. Brief facts of the case are that the petitioners had filed a suit for declaration to the effect that the petitioners are owners in possession of the suit house; and for permanent injunction restraining the defendants from interfering in the peaceful possession of the petitioners over the suit



property. Suit of the petitioners was partly decreed by the learned Civil Judge (Junior Division), Jalandhar vide judgment and decree dated 25.02.2016 (Annexure P1) to the effect that decree of declaration was denied and decree of permanent injunction was issued restraining the defendants/respondents from interfering in the peaceful possession of the petitioner over the suit property. Thereafter, plaintiff no.2 expired on 13.5.2017. The petitioners filed appeal against the above said judgment and decree dated 25.02.2016 before the Additional District Judge, Jalandhar. However, appeal was filed on dated 05.09.2018 (Annexure P5) i.e. with delay of approximately 2 years and 6 months. The appeal was accompanied by an application for condonation of delay which has been dismissed vide the impugned order dated 15.07.2024 (Annexure P6). Resultantly, the appeal was also dismissed. Hence, present revision petition.

3. It is submitted by learned counsel for the petitioners that the learned First Appellate Court was in patent error in dismissing the appeal of the petitioners on ground of delay as it failed to appreciate that the delay had occurred for valid reasons. It is submitted that it was shown to the learned Appellate Court that the plaintiff No.2 Paramjit Kaur was a chronic Hepatitis-C patient since 2009. Her health condition was continuously deteriorating, and she had developed Cirrhosis of liver in 2014 which led to diagnosis of liver cancer in February 2016. It is submitted that plaintiff No.2 remained under treatment at PGI Chandigarh from February 2016 to April



2017 and was struggling for her life and ultimately expired on 13.05.2017. Due to this, the family members of the deceased were under great mental shock; and thus, they were unable to contact their counsel who was pursuing the matter before the learned trial Court. It is submitted that moreover, plaintiff No.1 Smt. Savitri Devi is about 70 years old and is bed-ridden for the last many years. She too is suffering from multiple medical ailments like Rheumatoid Arthritis, Chronic chest infection etc. since the past several years and is confined to bed. Her husband has died on 31.01.2004. She has no child; is living alone; and is confined to wheelchair; and she was therefore, unable to know the fate of the case.

4. It is further informed that the LRs of plaintiff No.2 were brought on record by the learned First Appellate Court vide order dated 15.07.2024. It has been submitted by learned counsel for the petitioners that the son of plaintiff No.2 namely Gagandeep Singh made inquiry on 09.08.2018 from the previous counsel who told him about the judgment dated 25.02.2016; whereupon Gagandeep Singh applied for certified copy on 09.08.2018 itself which was prepared on 24.08.2018 and delivered on 28.08.2018; whereafter, appeal was filed on 05.09.2018. It is submitted that the application filed by the petitioners for condonation of delay was duly accompanied with the medical reports of the plaintiffs. Despite that, the impugned order has been passed dismissing the appeal itself without



considering these facts. It is accordingly prayed that the present Revision petition be allowed, and the impugned order be set aside.

5. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the petitioners.

6. The reasoning of the learned First Appellate Court is contained in Para 5 of the impugned order, which reads as follows:-

*“5. After hearing their respective submissions and perusal of record annexed with the application, it has revealed that applicants alleged that plaintiff No.2 was suffered since 2009 and developed cirrhosis in 2014, whereas she was diagnosed with liver cancer in February 2016 and ultimately she expired in the year of 2017. On this account medical record of PGI of plaintiff No.2 has been produced since 2012 and similarly medical record of Savitri Devi plaintiff No.1 has also been produced since 2012. Though this medical record is not disputed, but perusal of record of learned trial court also reveals that civil suit was instituted by these very plaintiffs on 18.07.2014, which has been decided on 25.02.2016. As such, when both the plaintiffs were already suffering from various diseases as per allegations in the present application, but they have instituted civil suit before learned trial court and also led evidence during that very period, then how they alleged in the present application that delay should be condoned qua that very period of ill-health. It is very strange that when plaintiffs remained ill, they were pursuing their civil remedy before learned trial court by filing civil suit, then why they have not filed civil appeal in a similar manner.”*



7. I am in complete agreement with the above-said reasoning of the learned Additional District Judge, Jalandhar. Even before this Court, learned counsel for the petitioners has been unable to explain that if the petitioners were well enough to pursue the suit before the trial court, what forbade them from filing the appeal before the 1st Appellate Court.

8. It is also not denied that after passing of the judgment of the learned trial Court dated 25.02.2016 there is nothing on record to indicate that the plaintiff No.1 Savitri was also admitted in hospital at the time. Although it has been contended that the counsel previously representing the petitioners before the trial Court did not inform the petitioners about the judgment dated 25.02.2016 however, onus also lies upon the petitioners to make efforts to pursue their case diligently. Record nowhere indicates that any efforts whatsoever were made by the petitioners themselves to know the fate of their case. In this circumstance, reference can be made to a recent judgment of the Delhi High Court in case of “**Moddus Media Pvt. Ltd. v. M/s. Scone Exhibition Pvt. Ltd., (Delhi) : Law Finder Doc Id # 887148**”, wherein it has been held that:

*“11. The litigant owes a duty to be vigilant of his rights and is also expected to be equally vigilant about the judicial proceedings pending in the court of law against him or initiated at his instance. The litigant cannot be permitted to cast the entire blame on the Advocate. It appears that the blame is being attributed on the Advocate with a view to get the delay condoned and avoid the decree. After filing the civil suit or*



*written statement, the litigant cannot go off to sleep and wake up from a deep slumber after passing a long time as if the court is storage of the suits filed by such negligent litigants. Putting the entire blame upon the advocate and trying to make it out as if they were totally unaware of the nature or significance of the proceedings is a theory put forth by the appellant/applicant/defendant company, which cannot be accepted and ought not to have been accepted. The appellant is not a simple or rustic illiterate person but a Private Limited Company managed by educated businessmen, who know very well where their interest lies. The litigant is to be vigilant and pursue his case diligently on all the hearings. If the litigant does not appear in the court and leaves the case at the mercy of his counsel without caring as to what different frivolous pleas/defences being taken by his counsel for adjournments is bound to suffer. If the litigant does not turn up to obtain the copies of judgment and orders of the court so as to find out what orders are passed by the court is liable to bear the consequences.”*

9. From the above, it is very clear that the petitioners have adopted a very careless, casual, lackadaisical attitude in pursuing their litigation.

10. In view of the above, present petition is **dismissed**.

11. Pending application(s) if any also stand(s) disposed of.

**11.07.2025**

Sunena

**(Nidhi Gupta)**

**Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No