



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

CM-13589-CWP-2025
in/and
RA-CW-407-2025
in
CWP-6455-1992 (O&M)
Date of decision :01.10.2025

UDHE SINGH

...Petitioner

Versus

GRAM PANCHAYAT OF VILLAGE CHEEMA
AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Baldev Singh Sidhu, Advocate
for the review applicant/respondent No.1.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

CM-13589-CWP-2025

This is an application filed under Section 5 of Limitation Act read with Section 151 CPC for condonation of delay of 5208 days in filing the accompanying review application (***RA-CW-407-2025***), seeking review of judgment dated 06.05.2011 passed by this Court in ***CWP-6455-1992*** whereby, the writ petition was allowed and the eviction orders impugned therein were set aside.

1.1 The following grounds have been put forth by learned counsel for the applicant-respondent No.1 for seeking condonation of delay of 5208 days in filing the review application :-

“2. *That the applicant/respondent no.1 have clearly been condemned unheard in this case as in this case the case*

was admitted on 26-04-1993 and against it was heard on 06-05-2011 at this stage the Ld. Counsel for the Gram Panchayat appeared and informed that brief of this case has been taken away by their client. None has appeared on behalf of respondent no.1 (Gram Panchayat) proceeded against Ex-parte and the case was decided in the absence of Gram Panchayat, which has not been given the opportunity of being heard. At this stage no summons were issued to the Gram Panchayat but only the previous counsel who was present in the main case which was admitted, has made the statement that client has taken the brief and not informed the client (Gram Panchayat).

3. That the earlier Gram Panchayat has not intimated about this case to the present Gram Panchayat nor there was any copy of the order of the Hon'ble Court in the record of the Gram Panchayat. The present applicant (Sarpanch) came to know only from the Patwari of the village that some case was decided against the Gram Panchayat so he engaged the counsel and got the copy of the record pertaining to the case. Then only he came to know that the case was decided against the Gram Panchayat.

4. That delay in filing of present appeal is neither intentional nor deliberate but due to bonafide reason stated above. If the delay in filing is not condoned, the applicant/respondent no.1 would suffer irreparable loss which cannot be compensated in any manner. The valuable property of the Gram Panchayat will be lost.”

1.2 A perusal of the above-extracted grounds put forth by the review applicant would suggest that the same are general and vague in nature. It is not forthcoming as to on what date, the review applicant learnt about the order dated 06.05.2011 passed in **CWP-6455-1992**.

2. Recently, the Hon'ble Apex Court in **State of Madhya Pradesh Vs. Ramkumar Choudhary, 2025(1) RCR (Civil) 199**; while

considering the rules of limitation, has observed as under :-

*“5.1. In **Union of India v. Jahangir Byramji Jeejeebhoy (D) through his legal heir**, wherein, one of us (J.B.Pardiwala, J) was a member, after referring to various decisions on the issue, it was in unequivocal terms observed by this Court that delay should not be excused as a matter of generosity and rendering substantial justice is not to cause prejudice to the opposite party.*

7. *There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that whenever there is a plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91st day till the last is of no consequence. The Court is required to consider what came in the way of the party that it was unable to file it between the 1st day and the 90th day. It is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. (See: **Ajit Singh Thakur Singh and Another v. State of Gujarat, AIR 1981 SC 733**).*

8. *Accordingly, we dismiss this Special Leave Petition with costs of Rs.1,00,000/- to be deposited by the State within a period of two weeks from today with the Supreme Court Mediation Centre and file proof thereof. If the said amount, as directed, is not deposited by the State, the Registry shall take necessary steps for recovery of the same, in accordance with law.*

9. *We have deemed it necessary to impose costs to send a stern message that the States must not misuse the Supreme Court's time by filing appeals against the well-reasoned and conscious decisions rendered by the High Courts without proper grounds."*

2.1 Further, the Hon'ble Apex Court in ***H. Guruswamy and Ors. Vs. A. Krishnaiah since deceased by LRs, 2025(1) Civ CC 690***; has observed as under :-

"13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High courts that the concepts such as "liberal approach", "Justice oriented approach", "substantial justice" should not be employed to frustrate or jettison the substantial law of limitation.

14. We are constrained to observe that the High Court has exhibited complete absence of judicial conscience and restraints, which a judge is expected to maintain while adjudicating a lis between the parties.

15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of

instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time.

18. For all the foregoing reasons this appeal succeeds and is hereby allowed.

19. The impugned order passed by the High Court is set aside and that of the Trial Court dated 05.08.2014 passed in Misc. No. 223 of 2006 is hereby restored."

3. When the above extracted explanation put forth by the learned counsel for the review applicant/respondent No.1 is considered on the touchstone of the judgments rendered by the Apex Court of India in the case of *State of Madhya Pradesh (supra) and H. Guruswamy and Ors. (supra)*, it is found that the explanation rendered by the applicant/respondent No.1 for seeking condonation of delay of 5208 days in filing the review application, is not justified.

4. Apparently, the Review Application suffers from gross delay and latches and accordingly, I find no reason to condone the delay of 5208 days in filing of the accompanying review application. Resultantly, the instant application (*CM-13589-CWP-2025*) for condonation of delay in filing the accompanying review application (RA-CW-407-2025) stands dismissed.

RA-CW-407-2025

1. This is an application filed under Order 47 Rule 1 read with Section 151 CPC for reviewing the order dated 06.05.2011, passed in *CWP-6455-1992*.

2. Since the application (*CM-13589-CWP-2025*) for condonation of delay of 5208 days in filing the accompanying review application already stands dismissed, no ground to recall the order dated 06.05.2011, passed in *CWP-6455-1992*, is made out.

3. The instant application is, accordingly, dismissed.

October 01, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No