

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

CR No.4041 of 2015 (O&M)

Date of decision: 06.08.2015

Punjab State Electricity Board Patiala

... Petitioner

versus

M/s Presto Building Centre

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Parminder Singh-I, Advocate for the petitioner.

K.Kannan, J.

There is simply no merit in the application for restoration in an Execution petition which had been dismissed on default on 08.05.2014. The petition for restoration was filed on 01.10.2014 beyond the period of 30 days which is the time permitted under Article 122 of the Limitation Act. There was no accompanying petition under Section 5 of the Limitation Act to condone the delay and entertain an application beyond the period of 30days. I was prepared to consider that although specific petition under Section 5 was not filed, if there was some explanation given for not filing the petition within the period of 30 days. The explanation given already was that the party did not know that case was disposed off on 08.05.2014 and there was lack of communication. If they are themselves making references to an Execution Petition of a decree that was passed on

05.12.1987, the Execution Petition itself was required to be filed in 12 months and it appears that it was filed before 05.12.1999 but the Execution Petition was pending for nearly 10 years when it was dismissed for default on 25.10.2009. There have been 3 other applications filed one after another at each time with prayers for restoration. This game of remaining out of Court to come with application for restoration must abate at some time and that could effectively happen only through Court's imprimatur. There is simply no purpose left for the petitioner, for, there is delay in filing the revision even before this Court.

The revision petition is dismissed with above observations.

(K.KANNAN)
JUDGE

06.08.2015

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