

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

CR No. 7869 of 2013 (O&M)  
Date of decision: March 19, 2015

Gurnam Singh

...Petitioner

Versus

Sher Singh

...Respondent

**CORAM:- HON'BLE MR. JUSTICE K. KANNAN**

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Raman Goklaney, Advocate,  
for the petitioner.

Mr. RK Girdhar, Advocate,  
for the respondent.

**K. KANNAN, J. (Oral)**

1. The revision is against the order dismissing an application under Section 5 of the Limitation Act in preferring the appeal beyond the period of limitation. While the petitioner would contend that there is delay of only 61 days, the counsel for the respondent would explain that it is more than 200 days.

2. The suit is for recovery of money and the decree is for ₹17 lacs and odd. During the pendency of the suit, it appears that the defendant/petitioner has paid by cheque some amount. It will be appropriate that the petitioner takes the case on full fledged contest and to test his bonafide, I direct the petitioner to deposit another sum of ₹2 lac to the credit of the case pending before the executing court within a period of four weeks from the date of receipt of a copy of the order. The order passed

already is set aside and the delay is ordered to be condoned, on compliance with the direction for deposit, as referred to above. If the amount is not deposited, the order passed already by the court, will stand restored. If there is any application for stay which is filed along with the appeal, on the appeal being numbered, if the deposit is made, the appellate court will consider the stay application independently. If the amount is deposited, the plaintiff would be at liberty to withdraw the same without any security. This amount shall be treated provisional as going towards the liability of the decree already passed and it will be subject to ultimate outcome of the proceedings in the appeal.

3. With these observations, the revision is allowed and disposed of on the above terms.

**March 19, 2015**  
prem

**(K.KANNAN)**  
**JUDGE**