

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

RSA No. 2606 of 2015 (O&M)

Date of decision: 14.08.2015

Mohan Lal Nagpal @ Mohan Krishan Nagpal

... Appellant

versus

Bharat Sanchar Nigam Limited and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Gaurav Sharma, Advocate for the appellant.

K.Kannan, J.

CM No. 6696 of 2015

For the reasons mentioned in the application, delay of 92 days in filing the appeal is condoned.

CM is disposed of.

Main appeal

The suit for malicious prosecution was dismissed on the ground of limitation. After the prosecution of a criminal case against the plaintiff, judgment of the criminal Court was passed on 29.04.2002. The suit had been filed after the notice to the Government under Section 80 CPC on 23.09.2003. The plaintiff wanted to claim that the limitation will commence from the date of the issue of notice. The plaintiff was not entitled to adopt such a reckoning, for, Article 74 of the Limitation Act

states that 1 year period will commence when the plaintiff was acquitted or the date when the prosecution was otherwise terminated. The date of acquittal was the date when the period of one year should be reckoned and not the date of issue of notice.

There is no scope for consideration of case on merits, apart from the fact that the suit was clearly barred by limitation and has been rightly rejected by both the Courts below.

The regular second appeal is dismissed.

(K.KANNAN)
JUDGE

14.08.2015

kv