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

**CR-8273-2014 [O&M]**

**Date of Decision : February 17<sup>th</sup>, 2016**

Sachin Jain

.... Petitioner

Versus

Noordin

.... Respondent

**CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.**

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. Sachin Mittal, Advocate,  
for the petitioner.

Mr. S.K.Bawa, Advocate  
for the respondent.

**SHEKHER DHAWAN, J.**

Present revision petition under Article 227 of the Constitution of India for setting aside order dated 17.11.2014 (Annexure P/3) passed by Civil Judge (Junior Division), Nuh, whereby the prayer made by the petitioner seeking permission to deposit the balance sale consideration after the due date, was declined.

2. Relevant facts for decision of present petition; that as per judgment and decree dated 16.09.2014 (Annexure P-1), the petitioner was to deposit the balance sale consideration within a period of two months from the date of passing of the said judgment and decree. Respondent filed an appeal against the judgment of Court of first instance and the same

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was dismissed on 26.11.2014. However, the petitioner could not deposit the balance sale consideration before 16.11.2014 as he was defending the appeal. On 16.11.2014 itself, which was the last day for depositing the balance amount, the petitioner made efforts but that was Sunday on the next day, i.e. on 17.11.2014, an application was filed before the Court below seeking permission to deposit the balance sale consideration. The Court below passed impugned order thereby dismissing the application and the present revision is against the said order.

3. Learned counsel for the petitioner submitted that as per judgment and decree dated 16.11.2014 (Annexure P/1) the petitioner was required to desposit the balance sale consideration within two months and the last date was 16.11.2014, which was Sunday. On the next date itself, which was last day of limitation as per the provisions of Limitation Act as well, the application was moved for depositing of the balance amount. However, the said application was dismissed. Still the petitioner deposited the amount through E-Challan on 17.11.2014 (Annexure P/4) to show his *bona fides*.

4. Having considered the submissions made by learned counsel for the petitioner, this Court is of the considered view that most of the facts involved in this case are not disputed. As per the judgment and decree dated 16.09.2014 [Annexure P/1], the balance sale consideration was to be deposited within a period of two months and the last day comes to 16.11.2014 which was Sunday and on the next date itself, the application was filed before the Court below. There was no justified grounds for declining the prayer having been made by the petitioner for depositing the balance amount and the order passed by the Court below is not legal and valid because as per law of limitation, if the last day of limitation falls on

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Sunday/holiday, the next working day would be the last day for computing period of limitation. Needless to mention that the petitioner had already deposited the amount through E-Challan on 17.11.2014 (Annexure P-4).

5. In view of the above, this petition is accepted and the order dated 17.11.2014 is set aside.

**(SHEKHER DHAWAN)**  
**JUDGE**

**February 17<sup>th</sup>, 2016**  
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