

In the High Court of Punjab and Haryana at Chandigarh

**RSA No. 294 of 2012
Date of Decision:7.4.2016**

Mohinder Singh

---Appellant

vs.

Hakim Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Surinder Garg, Advocate
for the appellant

Mr. R.S.Rangpuri, Advocate
for respondents No. 1 to 6

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

Rekha Mittal, J.

The present appeal has been directed against the consistent findings recorded by the courts below whereby suit filed by the appellant/plaintiff for recovery of Rs. 2,00,000/- on account of compensation/damages for suffering injuries and permanent disablement at the behest of the defendants by criminally trespassing into his house,

causing annoyance and harming reputation of the plaintiff was dismissed by the learned trial court and the findings recorded by the trial court have been affirmed in appeal.

The sole question that calls for determination is '*whether the judgment passed by the court in appeal upholding the plea of limitation against the appellant is bad much less perverse*'.

Counsel for the appellant is fair enough to concede that as per case set up by the plaintiff, cause of action accrued on 11.9.2000 when respondents/defendants caused injuries to the plaintiff. It is an undisputed position of the case that the appellant filed the suit on 23.10.2001, more than one year after accrual of cause of action. Article 72 of part VII of the Limitation Act pertains to suits relating to tort. Article 72 states that the suit is to be filed within one year from the date when the act or omission takes place with regard to compensation for doing an act. The alleged tortious act was committed on 11.9.2000 and the suit has been filed on 23.10.2001. There cannot be any dispute about the settled position in law that delay in filing the suit cannot be condoned under Section 5 of the Limitation Act. In this view of the matter, no fault can be found in the findings recorded by the appellate court that suit of the appellant is barred by limitation.

Counsel for the appellant has not made any submissions qua merits of the case knowing fully well that the appellant cannot successfully assail the findings of the appellate court that the suit is barred by time keeping in view the provisions of Article 72 of the Limitation Act. Accordingly, the aforesaid question is answered against the appellant and in favour of the respondents.

No other point has been raised.

For the foregoing reasons, the appeal sans merit and is accordingly dismissed leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

7.4.2016
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