

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

RSA No.1962 of 1988 (O&M)

Date of Decision: 17.1.2017

Pepsu Road Transport Corporation

... Petitioner

Versus

Manmohan Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the parties

...

RAJIV NARAIN RAINA, J. (Oral)

This Regular Second Appeal arises out of the judgment and decree passed by the learned first appellate court reversing the judgment and decree passed by the learned trial court. The order under challenge in the suit was decree passed on 6th October, 1978 while the suit had been filed after considerable delay on 21st March, 1986. The learned trial court held that suit is barred by limitation. In first appeal, the learned Additional District Judge reversed the findings of the learned trial court by holding that the suit is within limitation as no limitation is provided for challenging void orders.

When this second appeal was admitted for regular hearing in 1988, two Division Benches of this Court in *State of Punjab vs. Ram Singh*, (1986) 2 SLR 379 and *State of Punjab vs. Ajit Singh*, (1988) 1 SLR 1996 held the field in as much as even against illegal and void orders, limitation would not run and a suit could be filed at any time to challenge an order of dismissal on merits. Those two Division Bench judgments have been over-ruled by the

2219. The Supreme Court held that even against void orders, limitation runs. The suit was barred by time. Therefore, this appeal is covered by the judgment in *Gurdev Singh*, supra and accordingly, the appeal is allowed and the judgment of the lower appellate court is set aside and the judgment and decree of the trial court is restored.

17.1.2017
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No