

RSA-5350-2016 (O&M)

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

RSA-5350-2016 (O&M)

Date of decision : 04.12.2018

Hardial Singh

... Appellant

Versus

Amrik Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

AMIT RAWAL, J.

The present regular second appeal is directed against the judgment and decree of the lower Appellate Court, whereby the suit of the plaintiff for recovery of an amount of ₹3,65,000/- along with interest, decreed by the trial Court, has been dismissed.

Learned counsel appearing for the appellant submitted that the lower Appellate Court has committed illegality and perversity in reversing the well reasoned judgment as to reckon the period for the purpose of counting the limitation was from the date of refusal, which was only in the month of December 2010 and therefore, the suit filed on 22.11.2013 cannot be said to be barred by law of limitation.

I am afraid the aforementioned argument is not sustainable as concededly, the plaintiff had withdrawn the amount on 01.10.2010 and paid the same to the defendant in the same very month i.e. on 04.10.2010. The

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defendants did not acknowledge the liability, thereafter. In such circumstances, refusal cannot be a date for extension of time, but acknowledgment as per the provisions of Section 18 of the Limitation Act, therefore, the suit was barred by 21 days.

As an upshot of my finding, I do not subscribe to the submissions of Mr. Sharma to form a different opinion than the one already arrived at by the lower Appellate Court, much less, no substantial question of law arises for determination. No ground for interference is made out.

Resultantly, the second appeal is dismissed.

04.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**