

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CM No.6670-C-2014 in/and
RSA-2800-2014 (O&M)
Date of Decision : 30.07.2018

Sikshawati and others

..... Appellants

Versus

Bharat Sanchar Nigam Limited

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Manoj Kumar Sood, Advocate
for the applicants-appellants.

AJAY TEWARI, J. (Oral)

CM No.6670-C-2014

For the reasons recorded, the application is allowed. Delay of 695 days in re-filing the appeal is condoned.

RSA-2800-2014

This appeal has been filed against the judgment of the lower appellate Court reversing the findings of the trial Court on the issue of limitation.

The respondent had filed a suit for recovery of bills pertaining to the year 1995-1996 on 24.09.2003. The trial Court held that the bills were payable but dismissed the suit on the basis of limitation relying on a

judgment of this Court in ***BSNL Vs. Pawan Kumar Gupta 2007 (4) CCC 366 (P&H)***. In appeal the lower appellate Court noticed this judgment but relied upon a subsequent un-reported judgment in ***Rai Singh Vs. BSNL, RSA No.3817 of 2007*** decided on 23.09.2008. A perusal of the subsequent judgment reveals that this Court had noticed that prior to the coming into existence of the respondent-BSNL, the Union of India was the service provider and as far as the Union of India was concerned there was limitation of 30 years for filing a suit for recovery. Once the respondent-BSNL came into existence and that extended period of limitation was not available to it, it could file a suit for recovery within 3 years of having coming into existence. This aspect was not considered in the previous judgment.

In my considered opinion, subsequent judgment in the case of ***Rai Singh's case (supra)*** would hold the field.

Consequently, I find no error in the judgment of the lower appellate Court.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

30.07.2018
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No