

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

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**CM No.5124-C-2018 in/and
RSA No.1845 of 2018 (O&M)
Date of Decision : 16.04.2018**

Jagdish Chander Yadav

..... Appellant

Versus

Haryana State Agriculture Marketing Board & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Amit Singla, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

CM No.5124-C-2018

This is an application for condonation of 9 days delay in re-filing the appeal.

For the reasons recorded in the application, the same is allowed and delay of 9 days in re-filing the appeal is condoned

RSA No.1845 of 2018

This appeal has been filed against the judgment of the Appellate Court allowing an appeal filed by the respondents. The appellant had filed a suit in the year 2012 wherein he had challenged some letters of the years 1995, 1996, 1997 and order of the Collector, Hansi of the year 2003 and Rapat Roznamacha of the year 2004.

In the written statement the respondents had taken a preliminary objection that the suit was barred by limitation. However, neither any issue was struck to this effect nor was this point at all dealt with by the Trial Court. The Appellate Court held that the only explanation given by the appellant for filing the suit in the year 2012 was that he had come to know about the impugned letters/orders when he had visited the Tehsil complex but he had not mentioned the date as to when he had visited the Tehsil Complex and when he had attained the knowledge of the impugned letters/orders. On the basis of this reasoning the Appellate Court held that the issue of limitation being a legal issue could be taken up at any stage and consequently, non-suited the appellant on the ground of limitation.

Learned counsel is not able to show how this judgment is illegal or wrong. It is trite to say that it was for the appellant to explain how a suit challenging documents of the year 1995, 1996, 1997, 2003 and 2004 was within limitation in the year 2012. Not having done so, no fault can be found with the judgment of the Appellate Court.

Appeal is dismissed.

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

(AJAY TEWARI)
JUDGE

16.04.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No