

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

CR-7064-2015

Date of decision : 05.12.2019

Saraswati Devi

.... Petitioner

Versus

Ranjit Kumar

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanjay Nagpal, Advocate for
Mr. Kuldeep V. Singh, Advocate
for the petitioner.

Mr. Atul Jain, Advocate
for the respondent.

MANJARI NEHRU KAUL, J (ORAL)

The challenge in the instant petition is to impugned order dated 31.08.2015 (Annexure P-1) passed by Additional Civil Judge (Sr. Division), Sultanpur Lodhi, vide which the application of the petitioner (decree holder) for restoration of the execution application dated 24.09.2009 (Annexure P-2) was dismissed.

Heard. Perused the impugned order.

Admittedly, the execution in question was dismissed in default on 01.12.2008 and the application for restoration of the same was filed only on 24.09.2009, i.e. after more than 9 months. The Hon'ble Supreme Court in “**Damodaran Pillai and others vs. South Indian Bank Ltd. 2005(4) R.C.R. (Civil) 132**” has specifically laid down that an application under Section 5 of the Limitation Act would not be applicable in any proceeding arising under Order 21, Rules 105

& 106 of the CPC, especially when the act itself provides for a period of limitation. Hence, in the light of the settled law, the impugned order does not warrant any interference.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

05.12.2019
Dinesh

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No