

**RSA-3197-2017 (O&M)**

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

**RSA-3197-2017 (O&M)**

**Date of decision : 17.01.2019**

Harbhajan Singh

... Appellant

Versus

U.T. Chandigarh and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Sarbjit Singh Khaira, Advocate  
for the appellant.

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**AMIT RAWAL, J. (ORAL)**

**CM-7895-C-2017**

Prayer in the application under Order 44 Rules 1 & 3 of the Code of Civil Procedure is to file the appeal as an indigent person.

Learned counsel for the applicant-appellant shows this Court the copy of the order dated 24.11.2009 passed by the lower Appellate Court, whereby the applicant/appellant was allowed to file the suit as an indigent person. Copy of the order is taken on record, subject to all just exceptions.

For the reasons stated in the application, the applicant/appellant is permitted to file the appeal as an indigent person.

CM stands disposed of.

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The short point involved in the present regular second appeal is whether the suit for recovery of ₹17,22,000/- filed on 30.08.2001 on

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account of value of the buses, which has allegedly been taken by the respondents in the month of March 1992, was within the period of limitation or not. The answer would be 'No'. As per the story or pleadings set out in the plaint, father of the plaintiff had purchased the buses from one Navneet Singh. The police wanted to know whereabouts of Navneet Singh and in this regard, had also taken the custody of the buses. A habeas corpus bearing CRWP No.339 of 1995 was filed and it was found that the buses were in dilapidated condition. Thereafter, repeated applications were moved to the Chief Minister, Punjab, in the month of May, August of 1998 and finally, the suit was filed in the year 2001. There is no acknowledgement, which giving a cause of action for extension of the limitation to file the suit in the year 2001, thus, the suit is *ex facie* barred by law of limitation. Accordingly, the appeal as well as the application seeking condonation of delay in filing the appeal, are dismissed.

**17.01.2019**  
Yogesh Sharma

**( AMIT RAWAL )**  
**JUDGE**

Whether speaking/reasoned    **Yes/ No**

Whether Reportable            **Yes/ No**