

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

**RSA No. 2539 of 2014 (O&M)
Date of Decision: 8.1.2020**

Bhani Devi

...Petitioner

Vs.

Govt. of India and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Mani Ram Verma, Advocate and
Mr. Nipun Verma, Advocate
for the appellant.

Mr. Brijeshwar Singh Kanwar, Standing Counsel UOI.

Mr. S.P. Chahar, Advocate
for respondent No.3.

Mr. Saurabh Mohunta, DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

1. This is an appeal against findings of facts recorded by both the Courts below dismissing the suit for declaration challenging the order of termination dated 24.11.1982 filed by the widow of Surat Singh. Surat Singh died on 23.07.2002. He did not question the order of termination in his lifetime apart from making representations which were declined. He did not challenge those orders either in a court of law. His widow filed the civil suit on 08.02.2008 praying for setting aside the termination order with consequential benefits which has been dismissed by judgment and decree dated 05.09.2011. The appeal was

filed before learned Additional District Judge on 28.11.2013 upholding the order of the trial court against which Bhani Devi has approached this Court in Regular Second Appeal.

2. Both the Courts have returned the finding that the suit was barred by limitation and on this principal ground dismissed the suit including on merits as the trial Court was bound to decide all the issues and did not have the summary jurisdiction to dismiss the case at the threshold on the bar of limitation.

3. The Courts below have correctly applied the law in The State of Punjab and others Vs. Gurdev Singh and Ashok Kumar, 1991 SCR (3) 663. However much sympathy the Court might have for the widow but it is bound by the law. For the reasons recorded in the judgment of the Courts below which do not suffer from any legal infirmity, this appeal fails and is dismissed and the judgment and decree in appeal is upheld.

(RAJIV NARAIN RAINA)
JUDGE

8.1.2020

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Whether speaking/reasoned : *Yes*
Whether reportable : *Yes/No*