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

RSA-242-2021 (O&M)
Date of decision : 22.04.2021

Ranbir

...Appellant

Versus

Ram Dass and another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Abhimanyu Arun Walia, Advocate for the appellant.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J. (ORAL)

The present appeal has been filed by defendant No.2 after 1122 days against the judgment of Additional District Judge, Sonapat dated 09.11.2017. As per application bearing CM-1596-C-2021, condonation of the said delay period of 1122 days has been prayed for. The plea taken is that the Advocate had never informed that the suit of plaintiff-respondent No.1 had also been dismissed. The impugned order was only stated to have been obtained in January, 2021 and the appellant is stated to have come aware of the said order at that point of time. In such circumstances, the condonation is prayed for.

The condonation of delay on account of insufficient cause has been prayed for and as per the averments made, the appellant is well aware that the appeal was dismissed on 09.11.2017 but no efforts as such have

been made to apply for the certified copy of the order and only after the period of more than three years, the certified copy of the order had been applied and the present appeal has now been filed on 08.04.2021.

It is settled proposition that the sufficient cause has to be made out for condoning the delay in filing the appeal and in the facts and circumstances, this Court is of the opinion that the appeal has not been supported with any plausible explanation. Even though the appellant had come to know about the dismissal of the appeal and if aggrieved by the said finding as such of the Lower Appellate Court, he should have been vigilant enough for applying of the certified copy of the order and to file the appeal during the prescribed period. The Court cannot be indulgent to condone the delay to the extent the appellant is seeking for the said period from 09.11.2017 to 14.03.2021 when the said certified copy of the order was applied. The Hon'ble Supreme Court in ***Basawaraj and another Versus Special Land Acquisition Officer, 2014 AIR (SC) 746*** held as under:-

“12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. “A result flowing from a statutory provision is never an evil. A Court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.” The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same. The legal maxim “dura lex sed lex” which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently been held that,

“inconvenience is not” a decisive factor to be considered while interpreting a statute.

13. The Statute of Limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale. According to Halsbury's Laws of England, Vol. 24, p. 181:

"330. Policy of Limitation Acts. The courts have expressed at least three differing reasons supporting the existence of statutes of limitations namely, (1) that long dormant claims have more of cruelty than justice in them, (2) that a defendant might have lost the evidence to disprove a stale claim, and (3) that persons with good causes of actions should pursue them with reasonable diligence".

An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence' or laches. (See: ***Popat and Kotecha Property v. State Bank of India Staff Assn. (2005) 7 SCC 510; Rajendar Singh & Ors. v. Santa Singh & Ors., AIR 1973 SC 2537; and Pundlik Jalam Patil v. Executive Engineer, Jalgaon Medium Project, (2008) 17 SCC 448.***

14. In P. Ramachandra Rao v. State of Karnataka, AIR 2002 SC 1856, this Court held that judicially engrafting principles of limitation amounts to legislating and would fly in the face of law laid down by the Constitution Bench in A. R. Antulay v. R.S. Nayak, AIR 1992 (2) R.C.R. (Criminal) 634.

15. The law on the issue can be summarised to the

effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of *bona fide* on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.

16. In view of above, no interference is required with impugned judgment and order of the High Court. The appeals lack merit and are, accordingly, dismissed.”

In such circumstances, since sufficient cause for condoning the delay has not been made out, this Court does not deem it fit to condone the inordinate delay and allow the application.

Accordingly, the application for condonation bearing CM-1596-C-2021 is dismissed.

Resultantly, the appeal also stands dismissed.

22.04.2021

Pawan

**(G.S. SANDHAWALIA)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes
No**