

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

DECIDED ON: 12th January, 2023

(i) C.R. No. 4503 of 2018

M/s Jagdish Raj and Brothers

.....PETITIONERS

VERSUS

Union of India and others

.....RESPONDENTS

(ii) C.R. No. 4507 of 2018

M/s Jagdish Raj and Brothers

.....PETITIONERS

VERSUS

Union of India and others

.....RESPONDENTS

(iii) C.R. No. 4509 of 2018

M/s Jagdish Raj and Brothers

.....PETITIONERS

VERSUS

Union of India and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Dheeraj Mahajan, Advocate for petitioner.

Mr. Shobit Phutela, Advocate for respondents No. 1 and 2.

AVNEESH JHINGAN, J (ORAL)

These are three petitions filed for quashing of impugned order 1.5.2018, dismissing the application filed under Section 14 of the Limitation Act.

For the sake of convenience, the facts are being taken from C.R. No. 4503 of 2018.

The brief facts are that the petitioner was allotted work regarding providing security fencing along with Indo-Pak Border. A mechanism was provided for settlement of dispute through arbitration. There was dispute between the parties. The matter was referred to the arbitration and arbitral award was passed on 28.12.2008. It was made rule of the Court on 20.7.2016 and on 23.8.2016 an application under Section 29 of the Act was filed for grant of future interest. On 2.3.2017, the petitioner on gaining the knowledge that UOI had filed appeal challenging the order dated 20.7.2016, sought permission of the Court to withdraw petition under Section 29 of the Act with liberty to file appeal before the Court concerned.

Appeal was filed on 6.3.2017 accompanied by an application under Section 14 of the Limitation Act.

Learned counsel for the petitioner submits that the Court erred in dismissing the application for condonation of delay by referring to wrong facts. It was not the case of the petitioner that delay occurred due to want of knowledge. He refers to the pleadings in the application to submit that the entire factual scenario was mentioned explaining the necessitating for filing application under Section 14 of the Act.

Learned counsel for UOI-respondents opposes the prayer.

From the perusal of the application under Section 14 of the Limitation Act, it is evident that in the impugned order the correct factual position has not been taken into consideration for deciding the application.

The impugned order is set aside and the matter is remanded back to the Court concerned to decide the application under Section 14 of the Limitation Act afresh, after providing opportunity to the parties.

Since the main case has been decided, pending application, if any is rendered infructuous.

Photocopy of this order be placed on the files of connected cases.

(AVNEESH JHINGAN)
JUDGE

12th January, 2023
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>