

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-184-2022 (O&M)

Date of Decision:10.04.2023

Mohit Sharma

.....Appellant

Versus

Satish Arora and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. G.C. Shahpuri, Advocate for the appellant.

HARSIMRAN SINGH SETHI J.(Oral)

The present regular second appeal has been filed challenging the decree and judgment dated 13.03.2018 passed by the Trial Court, Mohali by which the suit filed by the appellant-plaintiff for the recovery of Rs.1,10,000/- along with interest was dismissed as well as the order passed by the learned lower Appellate Court, Mohali dated 17.01.2020 by which the judgment and decree passed by the trial court dated 13.03.2018 was upheld.

Learned counsel for the appellant argues that the suit filed by the appellant-plaintiff for the recovery of the amount has been dismissed by the Courts below on the ground that the said suit was time barred whereas, the fact has not been appreciated in a correct prospective especially that in the year 2014 the appellant-plaintiff had filed a writ petition No.25402-2014 which was dismissed and it was only thereafter, the appellant decided to file a civil suit

hence the limitation to file civil suit would start from the date of the passing of the order dated 11.12.2014 by this Court in CWP No.25402-2014.

The arguments being raised by learned counsel for the appellant are misplaced and cannot be accepted. It is a conceded position that the salary which is being claimed by filing suit for recovery is from the period November 2013 onwards. The limitation period will also start from the date the salary is being demanded. Concededly, the suit was filed much after a period of three years from the date when the cause of action arose. Rather, learned counsel for the appellant very fairly conceded the fact that in case the limitation is to start from the date when the salary became due, the suit filed was beyond limitation. That being so, the findings which have been recorded by the Court below qua the limitation issue needs no re-consideration at the hands of this Court in the present regular second appeal.

Further, the argument being raised by the learned counsel for the appellant that the limitation should start from the date when CWP No.25402-2014 was dismissed i.e.11.12.2014, the said argument also cannot be accepted. Rather, once qua the same relief, the appellant had filed a writ petition which was dismissed with liberty to file the civil suit and the period of limitation was known to the appellant-plaintiff, the remedy of civil suit should have been availed by the appellant within the time frame. In the present case, even the civil suit was also filed after a period of three years of filing the CWP No.25402-2014. Hence, the argument that the limitation for filing the civil suit will start only from the date when the suit was dismissed on 11.12.2014 is incorrect and cannot be accepted.

Keeping in view the above, as no perversity in the findings of the Courts below have been pointed out by learned counsel for the appellant, no

interference is called for by this Court in the present appeal and the same is accordingly dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

10.04.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No