

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

CRM-M-33463 of 2018

Date of decision: 1st September, 2023

Ram Kumar

Petitioner

Versus

Attar Singh

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Gaurav Aggarwal, Advocate for the petitioner.
Mr. J. S. Thakur, Advocate for the respondent.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 482 Cr.P.C. is filed seeking quashing of orders dated 12.12.2008 and 22.5.2018 dismissing the complaint of the petitioner in default and dismissing the revision, respectively.

2. The brief facts are that the petitioner filed a complaint against the respondent under Sections 420, 467, 468, 471 and 120-B IPC and under the provisions of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989. The allegations were that the respondent obtained two forged sale deeds dated 7.12.1997 and 12.4.1999 with regard to the land whereas the said land was not sold to the respondent. The respondent was summoned vide order dated 24.11.2004. Aggrieved of the summoning, the respondent preferred a revision. The summoning order was set aside on 24.11.2005 and the matter remanded back. On non-appearance of the petitioner, the complaint was dismissed in default on 12.12.2008. The revision was preferred on 14.2.2018. The petition was dismissed considering that it was filed after a delay of nine years, hence the present petition.

3. Learned counsel for the petitioner submits that upto December, 2017, counsel for the petitioner had not informed the status of the case of

the petitioner. Revision petition was filed after engaging a new counsel, filing application under Right to Information Act, 2005 and getting certified copy of order dated 12.12.2008 which was supplied on 13.1.2018.

4. Learned counsel for the respondent refutes the contentions. He submits that the matter was intentionally delayed. There is no reasonable cause put forth for explaining the inordinate delay of nine years. He further submits that the petitioner was aware of the proceedings as he was pursuing his civil remedies by challenging the sale deeds and the suit filed by him was dismissed.

5. The Supreme Court in ***Oriental Aroma Chemical Industries Ltd. Vs. Gujarat Industrial Development Corporation and another, 2010 (5) SCC, 459*** held that a liberal approach be adopted in condoning the delay of short duration and a stricter approach where the delay is inordinate.

6. In ***Pundlik Jalam Patil (D) by LRs. Versus Exe. Eng. Jalgaon Medium Project and another, 2008 (17) SCC 448***, the Supreme Court held that the court cannot enquire into belated and stale claims.

7. The Supreme Court in case of ***Tribhuvanshankar Vs. Amrutlal, 2014 (1) RCR (Civil) 206*** laid down that the fundamental policy behind the limitation is that if a person does not pursue his remedy within the stipulated time-frame, the right to sue gets extinguished.

8. In case of ***Amalendu Kumar Bera and others Versus The State of West Bengal 2013 (2) RCR (Civil) 534***, the Supreme Court held that the delay in filing the appeal or revision cannot be mechanically condoned in the absence of sufficient cause. In case of serious negligence, the delay should not be condoned.

9 In the case in hand, the dispute was with regard to sale deeds, the allegations were that the sale deeds were forged. As per the explanation put forth by the petitioner for delay that he had not checked the status of the case for nine years from his counsel. There is no pleading with regard to the relevance of December, 2017 when he engaged a new counsel. The explanation put forth is not worth acceptance. It smacks of intentional delay and negligence in pursuing the remedy.

10. It cannot be lost of that in case of inordinate delay, especially in the present case where the petitioner was unsuccessful in civil litigation,

the rights of other party get crystalized.

11. There is no factual or legal error in the impugned order dismissing the revision petition as time barred.
12. The petition is dismissed.

[AVNEESH JHINGAN]

JUDGE

1st September, 2023

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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No