

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CM-18524-C-2018 in/and  
RSA-7585-2018 (O&M)  
Date of Decision : 01.12.2023

Punjab State Civil supplies Corp. Ltd. and another .....Appellants

Versus

Vijay Kumar and others .....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present : Mr. Aseem Monga, Advocate for  
Mr. Athar Ahmed, Advocate  
for the applicants/appellants.

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**NAMIT KUMAR, J. (ORAL)**

1. The appellants have filed the instant appeal against judgment and decree dated 07.10.2011 passed by learned Additional Civil Judge (Senior Division), Phillaur whereby a suit for recovery filed by the appellants/plaintiffs has been dismissed as well as against the judgment and decree dated 05.05.2016 passed by learned Additional District Judge, Jalandhar whereby an appeal filed by the appellants/plaintiffs against judgment and decree dated 07.10.2011, has also been dismissed.

2. Concededly, the appeal is barred by time, for, it suffers from a delay of 343 days. The only explanation to justify the delay that had occurred in filing the appeal, reads thus:-

*“2. That the first appeal against the judgment and decree dated 07.10.2011 was decided on 05.05.2016. The above said case was marked to the undersigned counsel*

*vide letter dated 30.08.2016 and the record of the present case was supplied to the counsel on 05.10.2016 after obtaining the same from the counsel engaged in the first appeal. After perusal of the record it came to knowledge of the counsel undersigned that the certified copies of the impugned judgments and decrees of the courts below were missing and the same was requested for. The judgment of Ld.ADJ was supplied on 18.12.2016 however the judgment of the civil court could not be procured and photocopy of the same was arranged from the counsel below on 6.2.17. It turned up that the said judgment was not clear and clear/readable photocopy of the said judgment was supplied finally on 08.05.17 and in the due process a delay of 343 days has occurred in filing the present Second Appeal.”*

3. Perusal of file would show that no valid explanation or justification has been given in the application for condonation of delay of 343 days in filing the appeal. Hon’ble Supreme Court in ***P.K. Ramchandran Vs. State of Kerala and Anr. : AIR 1998 Supreme Court 2276***, had concluded that law of limitation may harshly affect a particular party but it has to be applied with all its rigor prescribed by statute and the Courts have no power to extend period of limitation on equitable grounds. Likewise, even in ***N. Balakrishnan Vs. M. Krishnamurthy : (1998) 7 SCC 123***, Hon’ble Supreme Court had observed that object of fixing the time limit under the Limitation Act is not with purpose to destroy right of the parties but it is founded on public policy. It had been further observed that length of delay is no matter, acceptability of the explanation is the only criterion. Sometimes delay of the shortest range may be uncondonable due to a want of acceptable explanation whereas in certain other cases, delay of a very

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long range can be condoned as the explanation thereof is satisfactory. However, as demonstrated hereinabove, the grounds set out in the application do not constitute sufficient cause to condone the gross, inordinate and unexplained delay of 343 days. Needless to assert that courts of law always yearn and endeavour to decide the lis on merits, unless a party owing to its negligence, inaction, willful and deliberate default, deprives itself of such indulgence. Unfortunately, such is the position in the matter at hands.

4. Accordingly, the application is dismissed. Consequently, the appeal is also dismissed as barred by limitation.

01.12.2023  
*Kothiyal*

(NAMIT KUMAR)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |