



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

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**CM-5877-C-2024 in/and
RSA-1487-2024 (O&M)
Date of decision : 20.09.2024**

State of Punjab others

....Appellants

V/S

Dr. Tejinder Singh Goindi

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Rajesh Sehgal, Addl. A.G., Punjab
for the applicants/appellants.

NAMIT KUMAR, J. (ORAL)

1. The appellants have filed the instant appeal against judgment and decree dated 30.09.2019, whereby learned Additional District Judge, Jalandhar, while setting aside the judgment and decree dated 28.08.2017 passed by learned Civil Judge (Junior Division), Jalandhar, has decreed the suit for declaration filed by the respondent/plaintiff.

2. Concededly, the appeal is barred by time, for, it suffers from a delay of 837 days. The only explanation to justify the delay that had occurred in filing the appeal, reads thus:-

"2. That the above case was decided on 30.09.2019, however, the nodal officer of the court cases of department of answering respondent was transferred. The newly appointed nodal officer was not aware about the conclusion of this case proceedings as well as the status of the case. In the meantime Covid-19 hit the world and as



such period March 22, 2020 till 28 Feb, 2022 was also deemed to be excluded for limitation. It is submitted that the concerned dealing assistant who was attending the cases at that time took pre-mature retirement because of his family issues and has not given any charge and information about the ongoing court cases to the next concern in line. It is because nobody had any information about above case, the matter remained pending. In the period 01.03.2022 to 2024, 4 dealing assistants were changed/transferred. So due to lack of communication this issue did not come into notice of present dealing assistant.

3. That, the appellants applied for certified copy of the impugned judgment and decree on 12.04.2024 which was obtained on 16.04.2024.

4. That, after receiving certified copy of the impugned judgment and decree dated 30.09.2019, the appellants are immediately filing the accompanying appeal before this Hon'ble Court."

3. Perusal of file would show that no valid explanation or justification has been given in the application for condonation of delay of 837 days in filing the appeal. Needless to assert that the impugned judgment and decree dated 30.09.2019 was passed by the lower Appellate Court nearly five years ago and in the interregnum, certain valuable rights have also accrued in favour of the non-appellant/plaintiff. 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



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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 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 837 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.

5. Pending application(s), if any, also stand disposed off.

20.09.2024
kothiyal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No