



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

120-2

RSA-203-2023 (O&M)

Date of Decision:01.04.2025

Santosh Kumari

...Appellant(s)

Vs.

Immo @ Inshu

....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. P.S.Jammu, Advocate for the appellant(s).

NIDHI GUPTA, J.CM-680-C-2023

Prayer in the application filed under Section 5 of the Limitation Act is for condonation of delay of 2936 days in filing the accompanying appeal.

2. The only reason cited by learned counsel for the applicant/appellant in the application for cause of delay of 2936 days is that “the appellant is illiterate household lady. The appellant had another litigation between the same party with regard to the property. During proceedings of that civil suit, appellant came to the know that judgment dated 14.11.2011 has been passed against the appellant and judgment of the present case was exhibited in Civil Suit bearing C.S. No.92-C of 2016 which was decided on 12.9.2018 titled as “Smt. Santosh Kumari Vs. Smt. Ummo and others” and appeal of the said case was decided on 25.11.2019 by the court of Sh. Parveen Kumar Lal, ADJ, Sirsa, thereafter the appellant was



advised to challenge the present judgment and decree dated 14.11.2011 before this Hon'ble Court by filing the regular second appeal."

3. A perusal of the said application reveals that only vague and general reasons have been given by the applicant-appellant for seeking condonation of 2936 days in filing the accompanying appeal. The same do not constitute sufficient cause for condoning of the extraordinary and inordinate delay of 2936 days in filing of the accompanying appeal.

4. It is well-settled proposition of law that each day's delay has to be explained in a mathematical manner which has not been done by the applicant-appellants. No cogent reason or plausible explanation has been furnished by the applicant-appellant for condonation of such an inordinate and unexplained delay in filing and refiling of the main appeal. Moreover, condonation of such an inordinate delay would be tantamount to declaring the law of limitation obsolete/redundant, without any justification.

5. The Law of Limitation is enacted with a purpose, as a handmaid of Justice and cannot be ignored/reduce to an ineffective piece of paper by giving it the complete go-by. It is the bounden duty of every litigant to pursue his case diligently; and it is also the bounden duty this Court to ensure that justice inures to both parties concerned. With passage of time, rights of the parties get crystallised.

6. More so, the Hon'ble Supreme Court in ***Pathapati Subba Reddy (Died) by LRs and others vs. The Special Deputy Collector (LA), Law Finder Doc Id # 2542600***, has recently held as under:-



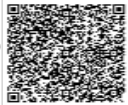
“26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

- (i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;
- (ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;
- (iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;
- (iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;
- (v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;
- (vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the Court is not satisfied with the cause shown for the delay in filing the appeal;
- (vii) Merits of the case are not required to be considered in condoning the delay; and
- (viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.” (Emphasis added)

7. The above Application, accordingly, stands **dismissed**.

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For orders, see the detailed order of even date passed in **RSA-2923-2022** titled as ‘**Santosh Kumari vs. Immo @ Inshu and another**’.



Pending application(s) if any also stand(s) disposed of.

01.04.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

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