



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115

CR-1133-2025 (O&M)

Date of decision : 21.02.2025

VIKAR -UR -RAHMAN JAMALI (VIQARUR REHMAN JAMALI)

..... PETITIONER

versus

SUDESH KUMAR AND OTHERS

..... RESPONDENT

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

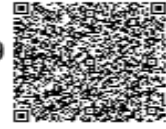
Present: Mr. Vijay Pal, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. This is a revision petition directed against order dated 17.08.2024 passed by Civil Judge (Junior Division), Hansi allowing the application filed by the respondent restoring the suit.

2. Plaintiff filed suit for possession by way of specific performance. The subsequent purchaser filed application seeking impleadment in the main suit. The matter travelled upto this Court in revision. During the pendency of the revision, the suit was adjourned *sine die* vide order dated 01.09.2012 observing as under:-

“Today both the Ld. Counsel for the parties have made a joint statement that they have no objection if the case is adjourned sine die till the decision of revision in Hon'ble High Court Heard. In view of the joint statement made by Ld. Counsel for both the parties, the present case is hereby adjourned sine die and the file shall be summoned again on the application of either of the parties. File be consigned to records.”



3. The aforesaid revision was finally decided vide order dated 22.05.2019. The plaintiff filed application seeking revival of the suit on 17.05.2023. Copy thereof has been placed on record as Annexure P-7. The said application stands allowed vide impugned order.

4. Learned counsel for the petitioner while assailing the impugned order dated 17.08.2024 submits that in terms of Article 137 appended to the Limitation Act, the limitation provided for moving an application qua which no period of limitation has been provided under the Act is 03 years. Once the civil revision was adjudicated by this Court on 22.05.2019, right to file application accrued to the plaintiff and the limitation started running. At the most, he could have filed application revival of the suit upto 21.05.2022. Any application filed thereafter cannot be entertained. The plea raised is misconceived.

5. Application was moved seeking revival of the suit on 17.05.2023 wherein, specific plea was raised that the counsel for the plaintiff never informed plaintiff about decision of the revision. Para 2 of the application reads as under:-

“2. That the civil revision bearing No. 2186 of 2009 was decided on 22.05.2019, but the applicants remained under the impression that their civil revision is still pending and their counsel did not inform them about the decision of the civil revision. Recently when the applicants enquired about the whereabouts of their civil revision then they came to know that the civil revision bearing No. 2189 of 2009 has been decided on 22.05.2019 by the Hon'ble Punjab & Haryana High Court and they have not been informed by their counsel. After coming to know about the decision of civil revision the applicants applied for the certified copies of the order passed in civil revision No. 2186 of 2009. After obtaining the certified copy of the order dated 22.05.2019 the applicants immediately approached this Hon'ble Court and has filed the present application for



restoration of the suit.”

6. It has also come on record that the certified copy of the order passed in revision was applied in 20.09.2022. Application has been placed on record as Annexure P-6. Article 137 of the Act reads as under:-

Any other application for which no period of limitation is provided elsewhere in this Division.	Three years.	When the right to apply accrues."
---	--------------	-----------------------------------

7. In view thereof, this Court finds that even if for the sake of argument it is admitted that the limitation would be governed by Article 137, the limitation shall commence from the date when the right to apply accrues. Right to apply in the present case accrued only when party came to know that the revision has been adjudicated. The petitioner himself has placed on record Annexure P-6 which shows that the application for certified copy was moved before this Court on 29.09.2022. Thus, at the most the limitation shall commence from the date i.e. 22.09.2022. Even then the present application filed by the plaintiff seeking revival of the suit cannot be held to be beyond limitation.

8. Finding no merit in the present petition, the same is ordered to be dismissed.

9. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

21.02.2025
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No