



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

**CM-6355-CWP-2025 in/and
CWP No.11888 of 2025
Date of Decision : 30-04-2025**

LAKHWINDER KAUR

.....Petitioner

VERSUS

**THE LEARNED STATE TRANSPORT APPELLATE TRIBUNAL
PUNJAB AND ORS**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Satinderpal Singh Dhaneswar, Advocate
for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

CM-6355-CWP-2025

The present application has been filed for seeking exemption
from mentioning the number of the rolls.

Keeping in view the contents mentioned in the application, the
same is allowed.

CWP No.11888 of 2025

1. In the present petition, the grievance being raised by the
petitioner is that her candidature for grant of regular stage carriage permit
was rejected by the Regional Transport Authority, Bathinda vide order dated
27.12.2021, copy of which has been appended as Annexure P-3 and the
appeal No.297 of 2022 filed by the petitioner was dismissed vide order dated
12.03.2025 (Annexure P-5), which is causing prejudice to the petitioner.

2. Learned counsel appearing on behalf of the petitioner submits that the order dated 27.12.2021 (Annexure P-3) was never communicated to the petitioner vide which her application was rejected hence, the petitioner came to know about the said order only in July, 2022 hence, the appeal was to be filed within limitation period keeping in view the knowledge of the order to the petitioner and therefore, the appeal filed by the petitioner dated 09.08.2022 (Annexure P-4) should have been treated within the limitation rather than being dismissed vide order dated 12.03.2025 (Annexure P-5) on the ground of delay.

3. I have heard the learned counsel for the petitioner and have gone through the records of the present case with his able assistance.

4. The impugned order dated 27.12.2021 (Annexure P-3) was passed by the authorities concerned after giving due opportunity of hearing to the petitioner. The petitioner was not vigilant enough to get the copy of the said order and only filed an appeal in July, 2022 whereas, the limitation to file an appeal against the order is concededly 30 days.

5. Learned counsel for the petitioner argued that he had never received the copy of the order dated 27.12.2021 (Annexure P-3) and it is only when she came to know about the said order in July, 2022, the appeal was preferred hence, keeping in view the judgment of the Full Bench of this Court in CWP No.8229 of 2007 titled ***Jagtar Singh son of Shri Ranjit Singh, V&PO Sirthala via Jarg, Tehsil Payal, District Ludhiana Vs. The State Transport Appellate Tribunal and ors.***”, decided on 30.01.2009, the limitation would start from the date the aggrieved party acquired the actual or constructive knowledge of the making of the order hence, the appeal

should have been treated within limitations as, the petitioner only came to know about the order in July, 2022 and the appeal was preferred within a period of 30 days of acquiring the knowledge of the said order.

6. The said question also came up for consideration before the Hon'ble Supreme Court of India in ***SLP (C) No.9580 of 2025 titled "JharkhandUrja Utpadan Nigam Ltd. and anr. Vs. M/s Bharat Heavy Electricals Ltd."***, decided on 15.04.2005, wherein the question arose where, the copy of the order was required to be supplied to the party concerned, the date of limitation will start from the receipt of the copy or from the date of the judgment. Hon'ble Supreme Court of India after noticing the law on the said issue has held that once, the judgment was pronounced, the litigants should be vigilant enough to file an appeal within limitation and should not wait for the copy of the order to be supplied to him/her. The limitation will not start from the serving of the copy of the order but will start from the date of the judgment. The relevant paragraph Nos.10, 11 and 12 of the judgment is as under:-

"10. We now look into such Order II Rule 1 of the CPC:

"1. Judgment when pronounced.- (1) The Court, after the case has been heard, shall pronounce judgment in an open Court, either at once, or as soon thereafter as may be practicable and when the judgment is to be pronounced on some future day, the Court shall fix a day for that purpose, of which due notice shall be given to the parties or their pleaders:

Provided that where the judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within thirty days from the date on which the hearing of the

case was concluded but, where it is not practicable so to do on the ground of the exceptional and extraordinary circumstances of the case, the Court shall fix a future day for the pronouncement of the judgment, and such day shall not ordinarily be a day beyond sixty days from the date on which the hearing of the case was concluded, and due notice of the day so fixed shall be given to the parties or their pleaders]

[(1) The Commercial Court, Commercial Division, or Commercial Appellate Division, as the case may be, shall, within ninety days of the conclusion of arguments, pronounce judgment and copies thereof shall be issued to all the parties to the dispute through electronic mail or otherwise.]

[(2) Where a written judgment is to be pronounced, it shall be sufficient if the findings of the Court on each issue and the final order passed in the case are read out and it shall not be necessary for the Court to read out the whole judgment.

(3) The judgment may be pronounced by dictation in open Court to a shorthand writer if the Judge is specially empowered by the High Court in this behalf: Provided that, where the judgment is pronounced by dictation in open Court, the transcript of the judgment so pronounced shall, after making such correction therein as may be necessary, be signed by the judge, bear the date on which it was pronounced, and form a part of the record.]"

11. We need to interpret the expression "pronounced judgment and copies thereof shall be issued to all the parties to the dispute through electronic material or otherwise". The argument canvassed on behalf of the petitioners is that the aforesaid expression should be construed as mandatory and not directory. In other words, the argument is that the period of limitation would start only after the copy of the judgment is provided to the party concerned through any one of the modes as required.

12. We are afraid, it is difficult for us to take the view that the provision referred to above is mandatory. It comes to this that till the

Registry does not provide the copy of the judgment though not demanded the period of limitation would not commence from the date of the pronouncement of the judgment.”

7. Applying the said settled principle of law in the facts and circumstances of the present case, while filing an appeal, the petitioner has mentioned in Paragraph No.10 that the petitioner was regularly visiting the office of the respondent to know the fate of her application and she only came to know about the order dated 27.12.2022 (Annexure P-3) vide which her application was rejected on 11.07.2022 and applied for the copy on 11.07.2022 and filed an appeal on 09.08.2022 (Annexure P-4).

8. Nothing evident has come on record as to which office the petitioner visited and on which date especially when, the order dated 27.12.2021 (Annexure P-3), has already been passed.

9. It is highly unbelievable that after passing of the order dated 27.12.2021 (Annexure P-3), in case the petitioner visited the office of the respondent, she will be told that no judgment has been passed so far. The said averments have only been made to bring the appeal within limitation as, by the time , the appeal was filed, the limitation for filing the appeal had already expired.

10. Keeping in view the totality of the circumstances of the Hon'ble Supreme Court of India in ***Jharkhand Urja Utpadan Nigam Ltd. and anr.'s case (supra)*** wherein it has been held that the limitation will start from the date of judgment and not from getting the copy, no interference is called for by this Court qua the impugned order dated 27.12.2021 (Annexure

P-3) qua which the appeal filed by the petitioner has been dismissed on the ground of delay.

11. Present petition stands dismissed.

12. Pending application, if any, also stands disposed of

30-04-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO