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

**CM-108-C-2022 IN/AND  
RSA-55-2022**

**Date of Decision : 06.11.2025**

Beant Singh & Anr

... Appellant(s)

Versus

Nachhatar Singh

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. V.K. Sandhir, Advocate for the applicant-appellants.

**ALKA SARIN, J. (Oral)**

1. The present appeal has been preferred by the defendants (applicant-appellants herein) challenging the judgments and decrees dated 07.10.2011 passed by the Trial Court and 06.03.2013 passed by the First Appellate Court. The appeal has been file along with an application (**CM-108-C-2022**) for condonation of delay of 2634 days in filing.

2. The suit was filed by the plaintiff-respondent herein for specific performance of an agreement to sell dated 14.07.2005 by way of possession of 5/6<sup>th</sup> share regarding land measuring 13 kanals 6 marlas as fully detailed in the plaint. The said suit was decreed by the Trial Court vide judgment and decree dated 07.10.2011. Aggrieved by the same, the applicant-appellants preferred an appeal before the First Appellate Court which appeal was also dismissed vide judgment and decree dated 06.03.2013. Hence, the present appeal was filed on 28.08.2020 alongwith an application (**CM-108-C-2022**)

for condoning the delay of 2634 days in filing the same.

3. The only ground stated in the application for condoning the delay of 2634 days in filing the appeal is that the applicant-appellants are poor and illiterate and they did not know that they have a remedy of appeal. A perusal of the application reveals that there is no plausible explanation forthcoming for the exceptionally long delay in preferring the appeal.

4. The ground stated that since the applicant-appellants are poor and illiterate and did not know that they have a remedy of appeal, cannot be accepted especially in view of the fact that the judgment and decree dated 07.10.2011 passed by the Trial Court was challenged by them before the First Appellate Court within the prescribed period. Hon'ble Supreme Court in the case of **Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors.** [2025 SCC OnLine SC 1969] has held as under :

*“ 59. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So a lifespan must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The idea is that every legal*

*remedy must be kept alive for a legislatively fixed period of time. The law of limitation is thus founded on public policy. [See: N. Balakrishnan v. M. Krishnamurthy, (1998) 7 SCC 123]*

*60. The bedrock of law on limitation flows from two age-old Latin maxims; interest reipublicae ut sit finis litium and vigilantibus non dormientibus jura subveniunt, which mean; “it is in the interest of the State that there be an end to litigation” and “the law assists those who are vigilant, and not those who sleep over their rights”, respectively. The former emphasizes that protracted litigation puts a strain on the judicial system and undermines the law's role in dispute resolution, and so the public interest requires that disputes be resolved in some final form rather than continuing indefinitely to drain the resources of courts and the parties. While the later connotes that a person who has slept on his rights may be denied enforcement of the same when the resulting delay would cause an unfair prejudice.*

*61. What flows from the aforesaid is that the dominant objective underlying the law of limitation is that any lis cannot be kept in a state of flux or uncertainty, doubt or suspense. Public interest demands that at some point finality be put to the litigation. It is in this context that the Limitation Act, prescribes the specific points of time from which the period of limitation begins to run for the institution of actions or recourse to litigation. On expiry*

*of such period, no action can be initiated save and except where the court condones the delay for a sufficient cause. A party who is insensible to the value of civil remedies, and who does not assert his claim with promptitude is denied the ability to enforce even an otherwise rightful claim. [ See: DDA v. Tejpal, (2024) 7 SCC 433]”*

5. In view of the above and in view of the fact that the application for condoning the delay of 2634 days in filing the appeal is totally bereft of any reasons, the application (**CM-108-C-2022**) is dismissed. Accordingly, the appeal (**RSA-55-2022**) is also dismissed on the ground of delay. Pending applications, if any, also stand disposed off.

06.11.2025  
Yogesh Sharma

( **ALKA SARIN** )  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO