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

**FAO-4690-2025 (O&M)
Date of decision: 04.11.2025**

MUNICIPAL CORPORATION, JALANDHAR

...Appellant(s)

VERSUS

M/S LION SERVICES LTD. AND ANOTHER

...Respondent(s)

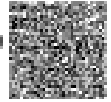
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Anu Chatrath, Senior Advocate with
Mr. Ratik Kapur, Advocate for the appellant.

JASGURPREET SINGH PURI, J. (Oral)

CM-15015-CII-2025

1. The present application has been filed under Section 5 of the Limitation Act read with Section 151 CPC for condonation of delay of 61 days in filing the present appeal.
2. Ms. Anu Chatrath, learned Senior Counsel appearing on behalf of the applicant-appellant submitted that the present appeal has been filed with a delay of 61 days and the present application has been filed for condonation of the aforesaid delay. She further submitted that the impugned order was passed by the learned Additional District Judge, Chandigarh, on 27.02.2025, whereby the objections filed by the applicant-appellant under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'), were dismissed on the ground of delay. She further submitted that thereafter, the present appeal has been filed by the applicant-appellant under Section 37 of the

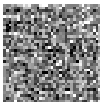


Act with a delay of 61 days, which may be condoned as it is a settled law that the expression '*sufficient cause*' must be liberally construed so as to advance substantial justice and therefore, the aforesaid delay may be condoned.

3. I have heard the learned Senior Counsel appearing on behalf of the applicant-appellant and have also perused the present application filed for condonation of delay of 61 days in filing the present appeal.

4. A perusal of the present application would show that in the entire application, the reasons for delay in filing the objections under Section 34 of the Act have been mentioned but so far as the reasons for filing the present appeal with a delay of 61 days are concerned, they are mentioned only in para No.4 of the application, which does not explain as to why the delay occurred and what constitutes a sufficient cause. In other words, the present application provides justification and reasons for the delay in filing the objections under Section 34 of the Act but it does not provide any reason for the delay of 61 days in filing the present appeal. The law with regard to condonation of delay is well settled.

5. Hon'ble Supreme Court in **Government of Maharashtra versus Borse Brothers Engineers & Contractors Pvt. Ltd., (2021) 6 SCC 460** held that there is no doubt that an application under Section 5 of the Limitation Act is maintainable in an appeal under Section 37 of the Act but at the same time, the Appellate Court has to see as to whether the grounds taken constitute a '*sufficient cause*' for condonation of delay or not. However, in the present case, no such ground has been mentioned at all for condonation of delay in filing the present appeal. The present application for condonation reflects the reasons for delay in filing objections under Section 34 of the Act and does not state any



ground for seeking condonation of delay in filing the present appeal. Therefore, no ground is available with the applicant-appellant or mentioned in the application for seeking condonation of delay. So far as the argument raised by the learned Senior Counsel appearing on behalf of the applicant-appellant as mentioned in para No.5 of the application that the delay should be condoned to advance substantial justice by giving liberal construction is concerned, the same is not applicable, especially in arbitration matters. A perusal of the impugned order dated 27.02.2025, by which the objections under Section 34 of the Act were dismissed would show that the objections were filed with a delay of 263 days and the learned Additional District Judge, Chandigarh, dismissed the same by observing that the provisions of Section 5 of the Limitation Act do not apply to the objections under Section 34 of the Act and no delay can be condoned beyond the period of three months plus thirty days and because of this reason, the learned Additional District Judge, Chandigarh dismissed the objections under Section 34 of the Act. Therefore, the ground taken by the learned Senior Counsel appearing on behalf of the applicant-appellant in the present application seeking condonation of delay is not sustainable.

6. Consequently, finding no merit in the present application, the same is hereby dismissed.

7. Since the application filed under Section 5 of the Limitation Act seeking condonation of delay of 61 days in filing the appeal is dismissed, the appeal also stands dismissed.

(JASGURPREET SINGH PURI)
JUDGE

04.11.2025
Chetan Thakur

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