



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

124

CR-5559-2025 (O&M)
Date of Decision:20.08.2025

Mishri @ Mishari Devi

.....Petitioner

Versus

Pappu Ram

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Ms. Garima Modi, Advocate for the petitioner.

VIRINDER AGGARWAL J.(Oral)

1. Petitioner assails the order dated 02.05.2025 passed in Civil Appeal No.CA-464 of 2018 vide which application for condonation of delay was dismissed as her suit for recovery of Rs.16,000/- alongwith interest was dismissed vide order dated 12.09.2009 (Annexure P-2) for want of proper court fee. Thereafter, she filed a petition for restoration which was dismissed by the Additional Civil Judge (SD), Narnaul, vide order dated 15.04.2010 (Annexure P-3). She then preferred an appeal against that order which was allowed by the Additional District Judge, Narnaul vide order dated 03.05.2013 (Annexure P-5) and the matter was remanded to the Court below.

2. The Court below again dismissed the application vide order dated 21.11.2014 (Annexure P-6). That order was challenged in an appeal dated 03.01.2018 along with an application for condonation of delay (Annexures P-8 and P-9), and the same was dismissed.



3. The petitioner then challenged the orders dated 21.11.2014 and 25.04.2017 in Civil Revision No. 5187-2017, which was dismissed as withdrawn vide order dated 27.09.2017 with liberty to file an appeal against the order dismissing the suit dated 12.09.2009. Thereafter, the petitioner filed an appeal on 04.01.2018 (Annexure P-8) along with an application for condonation of delay, which was dismissed by the learned Additional District Judge, Narnaul vide order dated 28.05.2018 (Annexure P-10). Thereafter, a legal opinion was sought from the Legal Aid Cell of this Court, wherein it was opined that the petitioner should challenge the original order dated 12.09.2009. Accordingly, an appeal was filed on 30.10.2018 (Annexure P-13) along with an application for condonation of delay, challenging the order dated 12.09.2009. The said application for condonation of delay has, however, been dismissed by the learned Additional District Judge, Narnaul vide impugned order dated 02.05.2025.

4. Aggrieved by the impugned order, the present petition has been filed on the ground that the petitioner is an old aged lady, illiterate, and unaware of the technicalities of law, and was thus unable to detect the mistake committed by her counsel.

5. I have gone through the impugned order minutely and find that the learned Additional District Judge has not committed any jurisdictional error. There is no material illegality in the order, which is well reasoned.

6. Para Nos.8 and 9 of the impugned order is reproduced as under:-

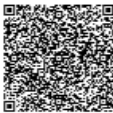
8. *Since, despite specific directions of the Hon'ble High Court in order dated 27.09.2017, applicant did not file any appeal against order dated 12.9.2009 vide which her suit was*



*dismissed for non-affixing of court fees, rather, she had filed appeal No.3/2018 wherein she had again challenged order dated 21.11.2014. So, in these circumstances, it cannot be said that prior proceedings were prosecuted in good faith of applicant, so, no ground is made out to condone unreasonable and unexplained delay in filing the present appeal. Hon'ble Supreme Court in **H. Guruswamy vs. A. Krishnaiah Since Deceased By Lrs. Civil Appeal No.317 of 2025 decided on 8.1.2025 has held that:-***

“16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the



‘Sword of Damocles’ hanging over the head of a litigant for an indefinite period of time.”

9. *I have no doubt regarding law laid down in J. Kumaradasan Nair & Anr. Vs. IRIC Sohan & Ors., Kirpal Singh Vs. Government of India, New Delhi & Ors., M/s Jagdish Raj and Brothers Vs. Union of India and others, MP Steel Corporation Vs. Commissioner of Central Excise and Purni Devi & Anr. Vs. Babu Ram & Anr. (supra), but laid down in these cases is not applicable to the facts and circumstances of the present case.”*

7. Considering the fact that the petitioner was well aware that she had to challenge the order dated 12.09.2009 and that she had withdrawn the earlier revision petition with such liberty, no case for interference is made out.

8. No ground is made out to interfere with the well-reasoned order passed by the learned Additional District Judge, Narnaul. Accordingly, the present revision petition is hereby dismissed.

(VIRINDER AGGARWAL)
JUDGE

20.08.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No