



CR No. 5547 of 2025 (O&M)

128 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5547 of 2025 (O&M)
DATE OF DECISION: 19.08.2025

DAYACHAND

.....PETITIONER

Vs.

M/S REVITAL REALTY PRIVATE LIMITED

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Ms. Rashi Shahrawat, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 30.07.2025 (Annexure P-1), passed by the learned Additional District Judge, Gurugram, in Civil Appeal No. 576/2023 titled *M/s Revital Realty Private Limited vs. Daya Chand*, whereby the application filed by the respondent-plaintiff for condonation of delay of 204 days in filing the said appeal has been allowed.

2. A perusal of the records reveals that the respondent, M/s Revital Realty Private Limited, filed a suit for declaration with consequential relief of permanent and mandatory injunction against the petitioner, Daya Chand.

2.1 The petitioner filed a written statement before the learned lower Court. Issues were framed, evidence was led, and ultimately, the case

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of the respondent-plaintiff was dismissed.

3. Thereafter, the respondent filed an appeal before the learned District Judge, Gurugram, and along with the appeal, an application under Section 5 of the Limitation Act, 1963, for condonation of delay of 204 days in filing the appeal was filed on 24.08.2023 (Annexure P-6). The reply thereto was filed by the petitioner on 09.11.2023 (Annexure P-7).

3.1 After hearing learned counsel for the parties, the learned Additional District Judge, Gurugram, allowed the application for condonation of delay, vide order dated 30.07.2025 (Annexure P-1), after discussing the judgments relied upon by the parties. The learned Additional District Judge categorically held that each case has to be adjudicated on its own facts, circumstances, and merits.

4. Learned counsel for the petitioner submitted that the petitioner had taken specific objections that no sufficient cause was disclosed, and that the plea raised was contrary to the settled principles. However, the learned Additional District Judge, Gurugram, by mechanically invoking the principle of substantial justice, condoned the delay.

5. Thus, it was contended that the learned Additional District Judge passed the impugned order mechanically, thereby allowing the application under Section 5 of the Limitation Act, 1963, filed by the respondent in the appeal. Accordingly, a prayer was made that the impugned order, being contrary to Section 5 of the Limitation Act and settled law, is unsustainable and warrants interference by this Court.

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6. In support of his submissions, learned counsel for the petitioner relied upon the judgments of the Hon'ble Supreme Court in *Salil Dutta vs. T.M. and M.C. Private Ltd.* (1993) 2 SCC 185; *Rajneesh Kumar and another vs. Ved Prakash*, 2024 SCC OnLine SC 3380; and *State of Madhya Pradesh vs. Ramkumar Choudhary*, 2024 SCC OnLine SC 3612.

7. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

8. In view of the order proposed to be passed, notice is not being issued to the respondent as it would delay the proceedings besides entailing additional expense to the respondent.

9. Upon consideration, this Court finds that in its application under Section 5 of the Limitation Act, the respondent explained that the employee earlier authorised to look after the case had left service more than a year ago; that the said employee, Ch. Yagna Brahmam, had engaged Sh. R.A. Gupta, Advocate, in cases pertaining to the respondent and its subsidiary companies; that the Managing Director, Mr. R.K. Arora, was arrested by the Enforcement Directorate; and that subsequently, Sh. Pritam Chauhan, Advocate, came to know about the dismissal of the suit only on 25.01.2023.

10. Accordingly, it was pleaded that sufficient cause was shown for not filing the appeal within the prescribed period, and that the delay was neither deliberate nor actuated by *mala fides*.

11. Keeping in view the above, this Court is of the considered opinion that since valuable rights of the respondent are involved, and as the



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suit of the respondent stood dismissed, the learned Additional District Judge rightly condoned the delay and allowed the application, holding that each case has to be adjudicated on its own facts, circumstances, and consequences.

12. The judgments relied upon by the counsel for petitioner in *Salil Dutta* (supra), *Rajneesh Kumar* (supra), and *State of Madhya Pradesh* (supra) are not applicable to the peculiar facts and circumstances of the present case.

13. Thus, this Court finds no merit in the prayer for setting aside the order dated 30.07.2025 (Annexure P-1), passed by the learned Additional District Judge, Gurugram.

14. Finding no illegality in the impugned order, dated 30.07.2025 (Annexure P-1) the present revision petition, being devoid of merit, is accordingly dismissed.

15. Pending miscellaneous application(s), if any, shall also stand disposed of.

AUGUST 19, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking

Yes/No

Whether Reportable

Yes/No