



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

(120)

CR-6509-2025 (O&M)
Date of Decision:-**27.10.2025**

HARBANS LAL (SINCE DECEASED) THROUGH HIS LRs

... Petitioner

Versus

SURINDER KUMARI (SINCE DECEASED) THROUGH HER LRs & ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Arpan Sabharwal, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

The present revision petition has been preferred with a delay of 212 days in its institution. Accompanying the main petition, the petitioner has filed an application, bearing **CM-18823-CII-2025**, invoking the provisions of Section 5 of the Limitation Act, 1963, for condonation of the said delay of 212 days in filing the revision, attributing the same to bona fide and unavoidable circumstances.

2. The prayer for condonation of delay has been predicated upon the plea that the daughter of petitioner No. 1, namely Ms. Shiwali, who was a party to the proceedings before both the Courts below, had relocated to England prior to the pronouncement of judgment by the learned Appellate Authority. It has been contended that, owing to her “absence abroad”, the requisite signatures could not be procured within the prescribed period of limitation, thereby occasioning the delay in instituting the present revision



petition. The application seeking condonation is duly verified and supported by the affidavit of Shri Shivam Sagar.

3. I have carefully heard the submissions advanced by learned counsel for the petitioner and have given my considered attention to the material available on record, including the pleadings and documents placed before this Court for perusal.

4. Learned counsel for the petitioner submits that the delay in filing the present revision petition occurred solely due to the inability to obtain the signatures of Ms. Shiwali, daughter of petitioner No. 1, who had travelled abroad prior to the filing of the petition, thereby causing the inadvertent lapse in adhering to the prescribed period of limitation.

5. A perusal of the record reveals that the present revision petition has not been signed by any of the petitioners themselves; rather, the grounds of revision have been signed solely by learned counsel for the petitioners and are supported by the affidavit of Shri Shivam Sagar. It further transpires that Ms. Shiwali, whose “absence abroad” has been cited as the reason for delay, is not a party to the present revision petition. She was one of the legal representatives of the deceased Harbans Lal and has been arrayed merely as a *proforma respondent* in the memo of parties. These circumstances, therefore, clearly indicate that no sufficient cause has been established to justify the inordinate delay of 212 days in filing the present revision petition, particularly when the ejectment proceedings were instituted by the respondent-landlord on the ground of *bona fide* necessity.

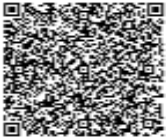
5.1. In this context, it is apposite to refer to the recent pronouncement of the Hon’ble Supreme Court in **H. Guruswamy v. A.**



Krishnaiah (Since Deceased), 2025 SCC OnLine SC 54, wherein the Apex Court has reiterated that condonation of delay cannot be granted as a matter of routine and that a litigant seeking such indulgence must demonstrate *bona fide* intention and sufficient cause, the law of limitation being designed to foster diligence and prevent abuse of the judicial process. The relevant extract from the said judgment reads as under:-

- “15. *The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.*
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.”*

5.2. It is a well-entrenched principle of law that the discretionary power to condone delay under Section 5 of the Limitation Act, 1963, can be exercised only upon the applicant satisfactorily demonstrating the existence of a *bona fide* and sufficient cause that genuinely impeded the timely institution of the proceedings. Mere lapse or negligence, unaccompanied by a reasonable explanation, cannot justify the condonation of inordinate delay.



In the present case, the reasons advanced in the application fail to disclose any credible or convincing ground that could constitute a sufficient cause for the prolonged delay of 212 days. Accordingly, the application seeking condonation of delay, being devoid of substance and merit, stands dismissed.

5.2. Resultantly, and as a necessary corollary to the dismissal of the said application, the main revision petition, having been rendered barred by limitation and thus legally untenable, does not warrant any further adjudication on merits and is, therefore, dismissed *in limine*, without delving into the substantive contentions raised therein.

6. It is, however, clarified that the observations and findings recorded here-in-above are intended exclusively for the purpose of adjudicating the present controversy and shall not, in any manner, be construed as an expression of opinion on the intrinsic merits of the case or the substantive rights of the parties.

7. Furthermore, as the principal matter has been finally disposed of by this judgment, all pending miscellaneous applications, if any, being ancillary or consequential in nature, shall stand disposed of accordingly, without necessitating any separate orders thereon.

27.10.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No