

2026:PHHC:024637



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRR-323-2018**

Channo alias Charan Kaur

....Petitioner

versus

Darshana Rani and another

....Respondents

Date of decision: February 17, 2026

Date of Uploading: February 17, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Krishan Sehajpal, Advocate for the petitioner.***********SUMEET GOEL, J. (ORAL)****CRM-2994-2018**

Application herein has been filed on behalf of the applicant-petitioner seeking condonation of delay of 112 days in filing the accompanying revision petition. The main revision petition has been filed impugning the judgment dated 08.06.2017 passed by learned Judicial Magistrate Ist Class, Jalandhar, whereby, the respondents have been discharged.

2. Learned counsel appearing for the applicant-petitioner, while seeking grant of prayer for condonation of delay of 112 days, has argued that the complaint was dismissed on 08.06.2017 and certified copy was applied on 05.07.2017, which was prepared on 20.07.2017 and received on

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29.07.2017. Learned counsel has further argued that the petitioner was under impression that limitation period of 90 days starts from the date of receiving certified copy of the order. Learned counsel has further argued that the petitioner had misplaced the documents in the house since the same was under construction and found the said documents only on 10.12.2017 – thereafter, he contacted his counsel and immediately, filed the revision petition. Learned counsel has submitted that an application for condonation of delay ought to be considered liberally, particularly, where the applicant-petitioner has good case on merits. On these submissions, condonation of delay of 112 days in filing the revision petition has been sought. It has been further contended that no prejudice is going to be caused to the respondents, in case, the instant application is allowed and the instant revision petition is heard on merits. Learned counsel has further argued that circumstances of the case indicate that the delay in filing the revision petition is neither intentional nor deliberate &, hence, delay deserves to be condoned.

3. I have heard the learned counsel for the parties and have perused the paper-book.

4. It would be apposite to refer herein to a judgment of this Court passed in ***CRR (F)-1844-2023*** titled as ***Deepak vs. Noori and another***, decided on 29.02.2024; relevant whereof reads as under:

“8. As a sequel to above-said discussion, the following principles of law emerge:

I. A liberal approach, undoubtedly, ought to be accorded to a plea for condonation of delay made under Section 5 of The Limitation Act, 1963 so as to further the cause of substantial justice. The concept of substantial justice essentially includes in itself the desirability of adjudication of a claim of the litigant on merits thereof rather than rejection of the same, at the threshold, on account of being barred by limitation. However, adoption of such liberal approach cannot be stretched to mean that a prayer (for

condonation of delay) ought to be granted sans reasonable explanation therefor. An applicant (seeking condonation of delay) has to bring forward cogent, credible and lucid reason(s) to substantiate such a plea. In case such reason(s) is not scrutable, a Court would well be within its discretion to decline such plea (for condonation of delay). In other words, inexplicable delay ought not to be condoned.

II. A Court ought to grant an application seeking condonation of delay when no negligence, inaction or want of bona fide is imputable to such applicant and/or such delay has occurred on account of circumstances beyond reasonable control of such applicant.

III. It is not the length of delay (sought to be condoned) but explanation thereof which is relevant for consideration by a Court.

IV. Law of limitation does not require an applicant (seeking condonation of delay) to furnish an exhaustive explanation on 'day to-day basis' for such delay. A Court while dealing with a plea for condonation of delay need not undertake such a pedantic approach.

V. In appropriate cases, a Court may consider imposing costs while granting an application for condonation of delay. However, the quantification of costs so imposed, must reflect the same being commensurate to the lis in issue as also attending circumstances therein.

VI. The factum; of non-applicant(s) or even strangers having altered their position(s) relying upon the applicant not having filed an appeal/revision etc. within stipulated time and resultant effects thereof; will indubitably be a pertinent factor for consideration of a plea for condonation of delay.

VII. A plea for condonation of delay by the State as also its instrumentalities has to be accorded a more liberal approach since the machinery involved in their working is impersonal in nature & hidden factors working therein cannot be given a complete amiss.

VIII. The discretion of a Court, while considering a plea for condonation of delay, will be exercised in view of peculiar facts/circumstances of an individual case. It is neither prudent nor feasible to fix any exhaustive guidelines for exercising such judicial discretion. On the contrary, it would be perilous to lay down such general criteria for governing such discretion. Needless to emphasize that exercise of such judicial discretion/power ought to be within the four corners of well settled principles of justice, good conscience and fair play."

5. More recently the Hon'ble Supreme Court in case titled as ***Pathapati Subba Reddy (Died) by L.Rs & Ors. vs. The Special Deputy Collector (LA), Neutral Citation:2024 INSC 286***, has observed as under:

"26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

xxx

xxx

xxx

xxx

vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason

that the conditions have been imposed, tantamounts to disregarding the statutory provision.”

6. Condonation of delay of 112 days in filing the accompanying revision petition is sought for on the following relevant averments:

“1. That the petitioner is filing present petition in this Hon'ble court which is likely to be succeed on the grounds mentioned in main grounds of appeal.

2. That the complaint was dismissed on 08.06.2017 and certified copy was applied on 05.07.2017 and the same was prepared on 20.07.2017 and was received on 29.07.2017.

3. That petitioner met her counsel on 16.08.2017 and counsel told the limitation of filing the revision is 90 days and the petitioner thought that it is from receiving of certified copy. The petitioner misplaced the documents in the house as there was construction going in the house and she found the same on 10.12.2017 and contacted the counsel at Chandigarh to file the revision petition and the present petition is filed immediately.

4. That the present petition is filed immediately before this Hon'ble High Court without any delay. The delay in filing the petition is neither intentionally nor deliberately but due to the facts mention above. If the delay is not condoned then the petitioner will suffer heavy loss.”

7. A perusal of the above-said averments clearly shows that no reasonable or plausible explanation has been furnished by the applicant-petitioner to condone the delay of 112 days in filing the accompanying revision petition. This application, apart from bereft of any specific details/particulars, which may reflect *bona fide* on part of the applicant-petitioner in pursuing his case, rather reflects a deliberate attempt on the part of the applicant-petitioner to somehow entangle the private respondent(s) in prolonged litigation. The applicant-petitioner has failed to provide any concrete explanation or document to demonstrate his genuine efforts in pursuing the matter within the prescribed time limit. No cause much less sufficient cause, as required in law, has been shown to justify or condone the significant delay of 112 days in filing the accompanying revision petition. The delay is both inordinate and inexplicable. Merely attributing the delay

to unforeseen circumstances, without any supporting details or evidence to substantiate these claims, does not meet the legal threshold for condonation. The applicant-petitioner has neither shown continuous interest in the case nor presented any exceptional or unavoidable circumstances that could explain such an extensive delay.

7.1 The explanation for the delay contained in the application seeking condonation of delay is wholly unsatisfactory and can hardly be said to be a reasonable, satisfactory or even a proper explanation for seeking condonation of delay. In the facts and circumstances of the case as narrated hereinabove, the application seeking condonation of delay of 112 days in filing the accompanying revision petition merits dismissal.

Decision

8. The application (*CRM-2994-2018*) seeking condonation of delay of 112 days in filing the accompanying revision petition is dismissed. Since the application seeking condonation of delay has been dismissed, the main revision petition stands dismissed as well accordingly.

9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

February 17, 2026

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