



226-5

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-15417-2024 (O&M)

Date of Decision : 22.04.2026

M/s Munish Medical Hall and Others

... Petitioners

Versus

Bank of Baroda and Another

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI

Present : Mr. S.S. Kamboj, Advocate for the petitioners.

Mr. Vishal Ahuja, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. Present writ petition has been filed challenging the order dated 02.05.2024 (Annexure P-11) whereby the application filed by the petitioners under Section 14 of the Limitation Act, 1963 was dismissed.
2. Learned counsel for the petitioners, at the outset, states that it has wrongly been recorded in the impugned order that the application filed under Section 5 of the Limitation Act, 1963 was not pressed. Learned counsel for the petitioners' further states that the writ petition was filed by the petitioners on 27.05.2022 being CWP-12901-2022 in which there was a stay operating. The said writ petition was eventually dismissed by this Court vide order dated 08.01.2024 with liberty to the petitioners to avail their remedies as available in law. They were further protected to the extent that they would not be dispossessed from the secured asset for a period of 15 working days to enable the petitioners to avail remedies as available in law. Learned counsel for the petitioners has further contended that the appeal was filed within the said period of 15 days and that the writ petition was being *bonafidely* pursued by

the petitioners. Infact a stay was also granted by this Court to the petitioners. Learned counsel for the petitioners has further contended that the Tribunal while dismissing the application has held as under :

“In the judgment of the Hon’ble Madras High Court in Velar Engineering Works Private Limited Vs. The Authorised Officer/Chief Manager, Indian Bank, Kanchipuram and Others reported as Law Finder DOC ID #1582623 wherein Hon’ble High Court has held that Section 5 of the Limitation Act has no application in the original proceeding like a suit before the DRT and therefore, the DRT has no jurisdiction to condone the delay in filing the SA by invoking Section 5 of the Limitation Act. In the SLP (C) Diary No.7023 filed against this judgment of the Hon’ble High Court was dismissed by the Hon’ble Supreme Court vide order dated 09.07.2020. After careful consideration of submissions made on behalf of parties, contents made in the IA and its reply and legal principals prescribed in the above case laws by Hon’ble Supreme Court and Hon’ble High Court, this Tribunal is of the considered opinion that applicants are not entitled to get the relaxation of condonation of time period under the Limitation Act, 1963.”

3. It is contended by the learned counsel for the petitioner that the issue whether the provisions of Section 5 of the Limitation Act, 1963 would apply to the proceedings before DRT is no longer *res integra* and the issue stands settled by the Division Bench of this Court in **M/s Fair Style Embroidery Works & Anr. vs. Debts Recovery Tribunal-III & Ors. [2025 (4) RCR (Civil) 666]**.

4. Qua the second finding regarding condoning the period of delay

under Section 14 of the Limitation Act, 1963, learned counsel for the petitioners' states that sufficient cause is made out as the writ was being pursued by the petitioners diligently.

5. *Per contra* learned counsel for the respondents has contended that the application under Section 5 of the Limitation Act, 1963 was not pressed by the petitioners and the application under Section 14 of the Limitation Act, 1963 was dismissed by the Tribunal holding that the provisions of Section 5 of the Limitation Act, 1963 have no application to proceedings before the DRT.

6. We have heard learned counsel for the parties.

7. In view of the settled law in case of **M/s Fair Style Embroidery Works** (supra) and without commenting on the merits of the case, we deem it appropriate to set aside the order dated 02.05.2024 (Annexure P-11) passed by the Debts Recovery Tribunal-III, Chandigarh and remand the matter back to the Tribunal for a decision afresh on both the applications under Section 5 and Section 14 of the Limitation Act, 1963 in accordance with the law.

8. The parties are directed to appear before the Debt Recovery Tribunal-III, Chandigarh on **04.05.2026 at 11.00 am**.

9. Disposed off. Pending applications, if any, also stand disposed off.

(**ALKA SARIN**)
JUDGE

22.04.2026
jk

(**RAMESH CHANDER DIMRI**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO