



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

**CR No. 4034 of 2025 (O&M)
DATE OF DECISION: 01.05.2026**

RAGHVIR SINGH

.....PETITIONER

Vs.

**PUNJAB STATE POWER CORPORATION LIMITED THROUGH
ITS CMD AND ANOTHER**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Ms. Sandhya Gaur, Advocate,
for the applicants-petitioners.

Mr. H.N.Sahu, Advocate,
for the respondents.

AMARINDER SINGH GREWAL, J.

CM No. 2363-CII-2026

- (i) The present application has been filed for placing on record the reply dated 21.11.2023 filed by the respondents before the learned District Judge, Bathinda, in the captioned main petition, as Annexure P-11.
- (ii) The application is allowed, as prayed for. The reply dated 21.11.2023 is taken on record as Annexure P-11, subject to all just exceptions.
- (iii) Office is directed to tag the same at the appropriate place.

CR No. 4034 of 2025 (O&M)

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 17.01.2025 (Annexure P-1), passed by the learned Additional



District Judge, Bathinda, in Civil Miscellaneous Appeal titled as '*Raghvir Singh vs. Punjab State Power Corporation Limited and another*' bearing No. CM-769-2023, whereby the learned Additional District Judge has dismissed the appeal filed by the petitioner on the ground of limitation, which was directed against the judgment and decree dated 01.12.2016 (Annexure P-7), passed by the learned Civil Judge (Senior Division), Bathinda, dismissing the civil suit bearing No. CS/408/2015, titled as '*Raghvir Singh vs. Punjab State Power Corporation Limited and another*', seeking declaration and permanent injunction under Order XVII Rule 3 of the Code of Civil Procedure, 1908 (for short 'the CPC').

2. Brief facts of the case are that the petitioner filed a civil suit for declaration before the learned Civil Judge (Senior Division), Bathinda, challenging letter No. 935 dated 31.03.2015, whereby a demand of ₹91,077/- along with compounding charges of ₹40,000/- was raised, as being illegal, null and void, along with consequential relief of injunction restraining the defendants from recovering the said amount (Annexure P-3).

2.1 Upon notice, the respondents appeared and contested the suit by filing written statement. Issues were framed and the matter was fixed for the petitioner's evidence. However, despite repeated opportunities, the petitioner failed to lead any evidence and, consequently, his evidence was closed. Thereafter, the suit was dismissed vide judgment and decree dated 01.12.2016 (Annexure P-7).

2.2 Aggrieved against the said judgment and decree, the petitioner filed an appeal along with an application for condonation of delay of about



81 months in filing the appeal. The said application was dismissed by the learned Additional District Judge, Bathinda, vide order dated 17.01.2025 (Annexure P-1), the order now under challenge, holding that no sufficient cause had been shown for condoning such an inordinate delay.

3. Learned counsel for the petitioner has contended that after dismissal of the suit, the petitioner, under a *bona fide* belief and on the advice of his counsel, filed an application for restoration of the suit, which was not maintainable in law.

3.1 It is submitted that the petitioner is a layman and was misled by his counsel into pursuing an incorrect remedy. The said restoration application was ultimately withdrawn on 11.05.2023, whereafter the petitioner promptly filed the appeal on 21.11.2023.

3.2 It is further contended that the petitioner should not be made to suffer for the fault of his counsel and a liberal approach ought to have been adopted while considering the application for condonation of delay.

3.3 In support of her submissions, learned counsel for the petitioner has relied upon judgments passed by the Hon'ble Supreme Court in Suresh Kumar vs. State of Haryana and others (Civil Appeal @ SLP (C) No. 670/2020, decided on 23.04.2025) and Vijay Kumar Padalia vs. State of Uttarakhand and others (Civil Appeal No. 10989 of 2018, decided on 06.05.2025), to contend that a liberal approach is required to be adopted while considering applications for condonation of delay and that a litigant should not be made to suffer for the fault of his counsel. The said proposition of law is well settled. However, the same is required to be applied keeping in view the facts and circumstances of each case. In the



present case, since the petitioner had been pursuing a remedy which was not legally maintainable under a *bona fide* belief, the principles laid down in the aforesaid judgments lend support to the case of the petitioner to the limited extent of adopting a liberal approach in considering the delay.

4. Notice of motion.

5. Mr. H.N. Sahu, Advocate, appears on behalf of the respondents and accepts notice. The present petition is taken up for final hearing.

6. *Per contra*, learned counsel for the respondents has opposed the petition and submitted that there is gross negligence on the part of the petitioner, as he failed to lead evidence before the trial Court despite several opportunities and thereafter remained inactive for a long period.

6.1 It is argued that the delay of more than 81 months is inordinate and unexplained, and no sufficient cause has been made out. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in **Mrinmoy Maity** vs. **Chhanda Koley and others** (Civil Appeal No. 5027 of 2024, decided on 18.04.2024), to contend that delay cannot be condoned in a routine manner and the party must show due diligence.

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

8. Admittedly, the delay in filing the appeal is substantial. However, it is also not in dispute that the petitioner, instead of filing an appeal, had been pursuing a remedy by way of a restoration application before the trial Court, which was ultimately withdrawn on 11.05.2023 on



the ground of maintainability. The record reflects that the petitioner acted under a *bona fide* belief based on legal advice, though the remedy pursued was not legally maintainable.

9. It is a settled principle of law that a litigant should not ordinarily be made to suffer for the fault of his counsel, provided the conduct of the litigant does not reflect deliberate negligence or lack of *bona fide*. In the present case, though there is some delay even after withdrawal of the restoration application, the same cannot be said to be so inordinate or deliberate so as to completely disentitle the petitioner from having his case adjudicated on merits.

10. The judgments relied upon by learned counsel for the petitioner in Suresh Kumar's and Vijay Kumar Padalia's cases (*supra*) indicate that a liberal approach is to be adopted in matters of condonation of delay, whereas the judgment relied upon by learned counsel for the respondents in Mrinmoy Maity's case (*supra*) emphasizes that sufficient cause and due diligence must be shown. There is no dispute with regard to the aforesaid principles. However, in the facts of the present case, since the petitioner had been pursuing a remedy which was not legally maintainable under a *bona fide* belief, a liberal approach deserves to be adopted.

11. In such circumstances, interference is warranted so as to advance substantial justice, particularly when denial of condonation would result in foreclosing the petitioner's right to have his appeal considered in accordance with law.

12. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed. The impugned order dated



17.01.2025 (Annexure P-1) is set aside. The matter is remanded back to the learned Additional District Judge, Bathinda, who shall reconsider the application for condonation of delay afresh in the light of the observations made herein and thereafter, proceed to decide the appeal on its own merits, in accordance with law.

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

MAY 01, 2026

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Whether Speaking

Whether Reportable

(AMARINDER SINGH GREWAL)

JUDGE

Yes

No