



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

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**CR-5839-2024 (O&M)
Date of decision : 11.03.2026**

Harjeet Kaur @ Nachhattar Kaur

..... Petitioner

versus

Jaswinder Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Ms. Manpinder Kaur, Advocate for
Mr. Sandeep Kumar Bokolia, Advocate
for respondent No.1.

PANKAJ JAIN, J. (Oral)

1. The present revision petition is directed against order dated 06.02.2025 passed by the Trial Court, whereby application filed by defendant seeking rejection of the plaint under VII Rule 11 CPC stands dismissed.

2. Plaintiff instituted present suit on 29.11.2022 propounding agreement to sell dated 17.06.2016 claimed to have been executed by defendant in his favour. As per plaint, the parties agreed to get the sale deed executed on or before 15.06.2018. Defendant claims that the present suit is barred by limitation. The limitation for instituting a suit for specific performance of a contract is governed by Article 54 of the Limitation Act, 1963 which prescribes a period of three years commencing from the date fixed for the performance. As per the plaint, when the date for performing contract was fixed as 15.06.2018, the suit



instituted on 29.11.2022 cannot be held to be within limitation. Trial Court has dismissed the application holding that the question of limitation being mixed question of law and fact, the same cannot be adjudicated at the nascent stage.

3. Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that plaintiff in para No.4 of the plaint, pleaded as under:-

“4. That Hon'ble Supreme Court of India waived off the limitation for filing the suits due to pandemic of Corona (Covid-19) civil disease and the same remained in force for a long period. The plaintiff was under this impression that the said relaxation of the delay present is period for filing the civil suit is still continuing. So in intentional filing the neither nor willful, rather due to the reasons mentioned above. However the plaintiff remained always ready and willing for getting the sale deed executed from the defendant no.1 in respect of the suit land, even litigation on the basis of agreement in question is continuing since long. A separate application for condonation of delay in filing the present suit is also being filed herewith.”

4. Supreme Court by way of order dated 10.01.2022 observed as under:-

“1. In March, 2020, this Court took Suo Motu cognizance of the difficulties that might be faced by the litigants in filing petitions/applications/suits/ appeals/ all other quasi proceedings within the period of limitation prescribed under the general law of limitation or under any special laws (both Central and/or State) due to the outbreak of the COVID-19 pandemic.

2. On 23.03.2020, this Court directed extension of the period of limitation in all proceedings before Courts/Tribunals including this Court w.e.f. 15.03.2020 till further orders. On 08.03.2021. the order dated 23.03.2020 was brought to an end. permitting the relaxation of period of limitation between



15.03.2020 and 14.03.2021. While doing so, it was made clear that the period of limitation would start from 15.03.2021.

3. Thereafter, due to a second surge in COVID-19 cases, the Supreme Court Advocates on Record Association (SCAORA) intervened in the Suo Motu proceedings by filing Miscellaneous Application No. 665 of 2021 seeking restoration of the order dated 23.03.2020 relaxing limitation. The aforesaid Miscellaneous Application No.665 of 2021 was disposed of by this Court vide Order dated 23.09.2021, wherein this Court extended the period of limitation in all proceedings before the Courts/Tribunals including this Court w.e.f 15.03.2020 till 02.10.2021.

4. The present Miscellaneous Application has been filed by the Supreme Court Advocates-on-Record Association in the context of the spread of the new variant of the COVID-19 and the drastic surge in the number of COVID cases across the country. Considering the prevailing conditions, the applicants are seeking the following:

- i. allow the present application by restoring the order dated 23.03.2020 passed by this Hon'ble Court in Suo Motu Writ Petition (C) NO. 3 of 2020; and
- ii. allow the present application by restoring the order dated 27.04.2021 passed by this Hon'ble Court in M.A. no. 665 of 2021 in Suo Motu Writ Petition (C) NO. 3 of 2020; and
- iii. pass such other order or orders as this Hon'ble Court may deem fit and proper.

5. Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A. No. 21 of 2022 with the following directions:

- I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021. It is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.
- II. Consequently, the balance period of limitation



remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.

III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.

IV. It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

6. As prayed for by learned Senior Counsel, M.A. No.29 of 2022 is dismissed as withdrawn.”

5. Since period from 15.03.2020 till 28.02.2022 stands excluded for the purpose of limitation, the same constitutes valid ground under Order VII Rule 6 CPC and has been rightly so pleaded in plaint.

6. In view of above, finding no merits in the present petition, the same is ordered to be dismissed.

7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

11.03.2026

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No