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

RSA-3755-2023 (O&M)

Date of Decision : 10.02.2026

SHAKUNTLA AND ORS

.... Appellants

VERSUS

BALWAN AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Singla, Advocate for the appellants.

ALKA SARIN, J. (ORAL)

1. Challenge in the present regular second appeal is to the judgment and decree dated 10.09.2019 passed by the learned Trial Court whereby the suit filed by the plaintiff-appellants herein was partly decreed. Aggrieved by the same two appeals were preferred - one by the plaintiff-appellants and one by defendant-respondent No.3. Both the said appeals were dismissed vide judgment and decree dated 16.02.2021 passed by the learned First Appellate Court.

2. The present regular second appeal has been filed along with an application being CM-13454-C-2023 for condonation of delay of 528 days in filing the appeal. In para No.4 of the application it has been stated that in the month of February 2021 the plaintiff-appellant No.1 suffered from Covid-19 and thereafter it has been stated that now in the month of November 2023 the plaintiff-appellant No.1 had recovered and had gone to Rohtak to inquire about the appeal and she was surprised to learn that the appeal had been

dismissed. Certified copy was obtained and accordingly the present regular second appeal was filed. No medical record has been appended with the appeal to show that the plaintiff-appellant No.1 remained bed-ridden from February 2021 to November 2023. Infact, there is no explanation in para No.4 as to why the appeal was not filed from February 2021 to November 2023 except for stating that in February 2021 the plaintiff-appellant No.1 suffered from Covid-19.

3. The Hon'ble Supreme Court in the case of **Union of India & Anr. vs. Jahangir Byramji Jeejeebhoy (D) through his LR [2024 (2) RCR (Civil) 571]** has held as under :

26. The length of the delay is 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 appellants, it appears that they want to fix their own period of limitation for 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.

27. 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. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants'.

Further, the Hon'ble Supreme Court in the case of **Shivamma (Dead) by LRs vs. Karnataka Housing Board & Ors. [2025 SCC OnLine SC 1969]** has held as under :

“59. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time

would never revisit. During the efflux of time, newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So a lifespan must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time. The law of limitation is thus founded on public policy. [See: N. Balakrishnan v. M. Krishnamurthy, (1998) 7 SCC 123]

60. The bedrock of law on limitation flows from two age-old Latin maxims; interest reipublicae ut sit finis litium and vigilantibus non dormientibus jura subveniunt, which mean; “it is in the interest of the State that there be an end to litigation” and “the law assists those who are vigilant, and not those who sleep over their rights”, respectively. The former emphasizes that protracted litigation puts a strain on the judicial system and undermines the law's role in dispute resolution, and so the public interest requires that disputes be resolved in some final form rather than continuing indefinitely to drain the resources of courts and the parties. While the later connotes that a person who has slept on his rights may be denied enforcement of the same when the resulting delay would cause an unfair prejudice.

61. What flows from the aforesaid is that the dominant objective underlying the law of limitation is that any lis cannot be kept in a state of flux or uncertainty, doubt or suspense. Public interest demands that at some point finality be put to the litigation. It is in this context that the Limitation Act, prescribes the specific points of time from which the period of limitation begins to run for the institution of actions or recourse to litigation. On expiry of such period, no action can be initiated save and except where the court condones the delay for a sufficient cause. A party who is insensible to the value of civil remedies, and who does not assert his claim with promptitude is denied the ability to enforce even an otherwise rightful claim. [See: DDA v. Tejpal, (2024) 7 SCC 433]”

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“262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigation's, wherein the fruits of their decrees or favourable orders are

frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under section 100 of the CPC, herein its jurisdiction is already limited to questions of law.”

4. In view of the above, no ground is made out to condone the delay of 582 days in filing the appeal. Accordingly, the application being CM-13454-C-2023 seeking condonation of delay is dismissed. As a result, the present regular second appeal is also accordingly dismissed on the ground of delay. Pending applications, if any, also stand disposed off.

10.02.2026
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No