



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CR-7389-2025 (O&M)
Date of Decision:-16.01.2026

RAM PAL ... Petitioner
Versus
RANBIR ... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Vikram Singh Punia, Advocate
for the petitioner.
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VIRINDER AGGARWAL, J. (Oral)

1. This petition is preferred under Section 227 of the Constitution of India, invoking the supervisory and revisional jurisdiction of this Court, challenging the legality, propriety, and correctness of the order dated 12.08.2025 (Annexure P-5). By the said order, the learned Court dismissed the appeal filed against the earlier order dated 16.02.2023, whereby the petitioner's application for restoration of the civil suit was rejected. The petitioner, aggrieved by the manifest errors apparent on the face of the record, seeks the exercise of this Court's supervisory and revisional powers to prevent miscarriage of justice and to safeguard the petitioner's fundamental rights and legal entitlements. It is submitted that the impugned order suffers from non-application of mind, procedural irregularity, and legal infirmity, thereby compelling intervention of this Court in the exercise of its constitutional and judicial oversight.
2. The petitioner instituted a civil suit seeking possession of the subject property. During the pendency of the proceedings, while the plaintiff's evidence remained unrecorded, the plaintiff failed to appear,



resulting in dismissal of the suit in default. Thereafter, the petitioner filed an application for restoration of the suit, which was dismissed by the learned Trial Court vide order dated 16.02.2023. The petitioner, aggrieved by the impugned order, approaches this Court invoking its revisional and supervisory jurisdiction, submitting that the dismissal is vitiated by non-application of judicial mind, manifest illegality, and disregard of settled legal principles. In the interest of justice and equity, it is respectfully prayed that the impugned order be quashed and set aside.

3. Aggrieved by the order dated 16.02.2023, the petitioner initially filed Civil Revision No. 2263/2023 before this Court. The said revision petition was subsequently withdrawn with liberty to pursue the alternative remedy of appeal, as per order dated 18.04.2023. Pursuant thereto, the petitioner filed a Civil Appeal on 18.05.2023, which was taken up for consideration and ultimately dismissed on 12.08.2025 on the ground that the appeal was barred by limitation. The petitioner respectfully submits that the dismissal of the appeal on a technical ground of limitation, without considering the substantive merits and circumstances surrounding the filing, has occasioned a manifest injustice, warranting interference under the revisional and supervisory jurisdiction of this Court.

4. The present petition has been filed challenging the impugned dismissal of the Civil Appeal on the ground of limitation. It is respectfully submitted that the appeal was filed well within the prescribed period, as the Civil Revision No. 2263/2023 was decided by this Court on 18.04.2023, and the Civil Appeal was filed on 18.05.2023 well within thirty (30) days from the dismissal of the revision petition. The learned First Appellate Court has failed to appreciate that, in terms of Section 14 of the Limitation Act, 1963,



the period of limitation stands duly extended or exempted in circumstances where a prior revision petition had been decided by this Court. Consequently, the appeal was clearly within time, and the impugned dismissal on the ground of limitation is legally unsustainable and liable to be set aside.

5. I have heard learned counsel for the petitioner at considerable length, giving due attention to all arguments advanced, and have perused the record and the material on file with utmost care. The contentions raised, the sequence of events, and the applicable legal provisions have been examined in detail to arrive at a just and reasoned conclusion.

6. In the present case, the appeal was filed before the learned First Appellate Court on 18.05.2023, challenging the order dated 16.02.2023. The appeal was required to be filed within thirty (30) days from the date of the impugned order. The learned First Appellate Court observed that no application under Section 5 of the Limitation Act, 1963, seeking condonation of delay, had been filed along with the appeal. When it was suggested to the learned counsel for the petitioner to move an application for condonation of delay, he declined, asserting that no such application was necessary. The First Appellate Court, after due consideration, has elaborately discussed in Paragraph No. 12 of the impugned order that the appeal was barred by limitation.

7. The petitioner seeks the indulgence of this Court on the ground that, following the withdrawal of the earlier revision petition, a fresh period of limitation would purportedly commence in terms of Section 14 of the Limitation Act, 1963. It is respectfully submitted, however, that the



interpretation advanced by the learned counsel for the petitioner represents a misconceived understanding of the scope and effect of Section 14. For the sake of clarity and precise legal analysis, the relevant provision of Section 14 of the Limitation Act is reproduced hereunder:-

Section 14- Exclusion of time of proceeding bona fide in court without jurisdiction –

- (1) In computing the period of limitation for any suit the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of the appeal or revision, against the defendant shall be excluded, where the proceeding relates to the same matter in issue and is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.
- (2) In computing the period of limitation for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a court of first instance or of appeal or revision, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.
- (3) Notwithstanding anything contained in rule 2 of Order XXIII of the Code of Civil Procedure, 1908 (5 of 1908), the provisions of sub-section (1) shall apply in relation to a fresh suit instituted on permission granted by the court under rule of that Order, where such permission is granted on the ground that the first suit must



fail by reason of a defect in the jurisdiction of the court of other cause of a like nature

Explanation - For the purpose of this section, -

- 1) in excluding the time during which a former civil proceeding was pending, the day on which that proceeding was instituted and the day on which it ended shall both be counted;
- 2) a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding;
- 3) misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

8. If the interpretation sought to be advanced by the learned counsel for the petitioner were to be accepted, it would lead to a wholly untenable position whereby no appeal could ever be held barred by limitation. Under such a misconceived approach, a person could file a frivolous petition before a forum lacking jurisdiction, and upon its withdrawal, claim that a fresh period of limitation commences from the date of withdrawal even if the original filing were after an inordinate delay of years. Clearly, such a construction is contrary to the legislative intent of Section 14 of the Limitation Act, which is designed solely to exclude the time legitimately spent in bona fide proceedings in a Court or forum having no jurisdiction.

9.1. In the present case, the learned First Appellate Court correctly held that only the period from 15th April, 2023, when the civil revision was filed, until 18th April, 2023, when the same was withdrawn, could be excluded from the computation of limitation in accordance with Section 14



of the Limitation Act. Even after excluding this period, the appeal filed by the petitioner is clearly barred by limitation, as the period for filing the appeal expired on 17th March, 2023, and the revision petition itself was filed beyond the prescribed period.

9.2. Accordingly, there is no illegality or infirmity in the impugned order passed by the learned First Appellate Court. The instant petition, being wholly devoid of merit, does not call for interference under the revisional jurisdiction of this Court and is, therefore, dismissed.

10. Before parting with the case, it is expressly clarified that the observations recorded herein are confined strictly to the adjudication of the present controversy and the issues directly arising therefrom. Nothing contained in this judgment shall be construed, either expressly or by implication, as an expression of opinion on the substantive merits of the parties' claims beyond what is strictly necessary for the proper disposal of this civil revision.

11. Furthermore, as the principal matter has now been conclusively adjudicated, all pending miscellaneous applications, if any, arising out of or in connection with these proceedings shall stand disposed of by necessary implication. In light of the conclusions reached herein, no separate or further orders are required to be passed in respect of such applications.

(**VIRINDER AGGARWAL**)
JUDGE

16.01.2026
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No