



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

(115)

CR-9571-2025 (O&M)**Date of Decision:-16.03.2026**

Municipal Corporation Ludhiana Through Its Commissioner ... Petitioner

Versus

Shri Manna Singh Family Welfare Trust

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Manoj Kumar, Advocate, and
Ms. Mehak Sharma, Advocate,
for the petitioner.

Mr. Kanwaljit Singh, Senior Advocate, with
Mr. Jashan Preet Singh Deol, Advocate,
for the respondent.

Mr. Anil Kumar, Advocate,
for the Intervenor.

VIRINDER AGGARWAL, J. (Oral)

CM-4927-CII-2026

Application for intervention filed by the Intervenor was passed over at the request of counsel for the intervenor as he has to produce law with regard to his right to intervene in the revision petition but none has present for the intervenor in the second call, so, it seems that counsel for the intervenor could not lay his hands on any relevant provisions of law authorizing the intervenor to file intervention application in the revision petition, so, the same is disposed of with liberty to the intervenor to avail his rights in accordance with law before the learned Trial Court.

Intervention application stands disposed of.

**CR-9571-2025**

1. This revision petition has been filed assailing the order dated 14.08.2025, vide which, the application under Section 5 of Limitation Act for condonation of delay in filing the appeal has been dismissed.

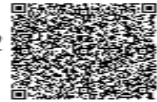
2. The appeal was filed for condonation of delay of 1335 days. Respondent/plaintiff has filed a suit for declaration claiming ownership and possession in the suit property and for grant of permanent injunction and mandatory injunction. Learned Civil Judge decreed the suit and respondent/plaintiff was declared owner in possession of the property measuring 1300 square yards (fully detailed in the head note of the plaint) and the defendants are restrained from interfering in any manner in the peaceful possession of plaintiff over the suit property and further directed to sanction site plan qua the property as per their norms.

3. I have heard the arguments and gone through the file carefully.

4. The inordinate delay of 1335 days was sought to be got condoned on the ground that file was received from the office of Municipal Corporation, Ludhiana and was marked to Ravinder Singh Walia, Draftsman on 26.05.2017 for necessary action but he kept on sitting on the file and due to bad intention of that building inspector, appeal could not be filed in time.

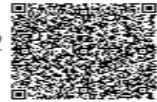
5. Learned Additional District Judge has considered the contentions of counsel for the petitioner and choose not to condone the delay on the grounds that there is no sufficient or cogent reason explaining the inordinate delay of 1335 days. There was no document placed on record in support of the plea raised by the applicant and with regard to inquiry conducted against the delinquent officials and it was concluded that delay has not been properly

explained.



6. Upon a careful examination of the record, this Court finds that the explanation furnished for condonation of delay is vague, unsubstantiated and wholly insufficient. The plea that a particular official deliberately withheld the file is a bald assertion, unsupported by any documentary evidence. No material has been placed on record to show any departmental action, inquiry, or correspondence fixing responsibility upon the said official. It is well settled that a litigant, including a public authority, is expected to act with due diligence. Merely attributing negligence or mala fides to an employee, without any supporting record, cannot constitute “sufficient cause” within the meaning of Section 5 of the Limitation Act. The explanation reflects casual and negligent conduct rather than bona fide circumstances beyond control. The learned Additional District Judge has rightly observed that there is no cogent material to justify such an enormous delay of 1335 days, and the reasons assigned fail to inspire confidence.

7. It is well-settled that the condonation of delay is not a matter of right, and the discretionary power under Section 5 of the Limitation Act, 1963, can be exercised only when the applicant satisfactorily demonstrates, through cogent, credible, and duly substantiated material, the existence of a *bona fide* and sufficient cause that genuinely prevented the timely institution of the proceedings. The explanation must be reasonable, convincing, and indicative of due diligence throughout the period of delay. In the present matter, however, the reasons put forth in the application were vague, inconsistent and reflect casual and negligent conduct and do not meet the threshold of “*sufficient cause*” for condoning an inordinate delay of 1335 days. No bona fide or

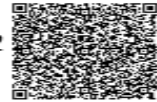


unavoidable circumstance has been shown which prevented the applicant from filing the appeal within the prescribed period of limitation.

8. Reference may be made to the recent judgment of the Hon'ble Apex Court in ***H. Guruswamy v. A. Krishnaiah (since deceased), 2025 SCC OnLine SC 54***, wherein the Court emphatically reiterated that condonation of delay is not to be granted as a matter of course. The Court underscored that a party seeking such relief must establish *bona fide* conduct and sufficient cause, as the law of limitation is intended to ensure diligence, finality, and the orderly administration of justice. The pertinent observation reads as follows:

“15. *The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.*

16. *The length of the delay is definitely 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 respondents herein, it appears that they want to fix their own period of limitation for the purpose of 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.

17. *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. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time."*

9. In view of the foregoing discussion, this Court is of the considered opinion that the petitioner has failed to make out any sufficient cause for condonation of delay of 1335 days. The learned Court below has considered the matter in its correct perspective and has recorded a well-reasoned finding that the delay has not been satisfactorily explained. Therefore, this Court finds no ground to interfere in the impugned order dated 14.08.2025 passed by the learned Additional District Judge. No perversity or illegality in the said finding has been pointed out.

10. Accordingly, the present revision petition, being devoid of merit, is hereby dismissed.

11. All pending miscellaneous applications, if any, stand disposed of accordingly.

16th March, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No