



2026:PHHC:093958

RSA-2489-2026 (O&M)

[1]

2026:PHHC:093958



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2489-2026 (O&M)
Date of decision: 10.07.2026

Ravinder Kumar

...Appellant

Versus

Brij Lal (since deceased) through his LR -Anil Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Aayush Kaushik, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)

The present Regular Second Appeal has been filed against the concurrent judgments and decrees whereby the suit instituted by respondent-plaintiff Brij Lal seeking a decree of permanent injunction in respect of the property in dispute was decreed by the learned trial Court vide judgment and decree dated 20.10.2014, which came to be affirmed by the learned First Appellate Court on 31.05.2018.

2. The appeal is accompanied by **CM-8790-C-2026** filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay of **2868 days**, i.e. more than seven years, in preferring the present appeal.

3. Learned counsel for the applicant-appellant submits that the delay was neither intentional nor deliberate. It is contended that the appellant is a simple rustic villager having no knowledge of legal technicalities and remained dependent upon the legal advice rendered by the counsel representing him before the Courts below, who allegedly failed to advise him about the remedy of filing a Regular Second Appeal within the prescribed period of limitation. It is further submitted that during execution proceedings, an order passed by the Executing Court was



challenged by filing Civil Revision No.162 of 2020 before this Court on the advice of the previous counsel. The said revision came to be dismissed on 18.02.2026 and only thereafter, on obtaining proper legal advice, the present appeal has been instituted. On these premises, prayer has been made for condonation of delay.

4. Having heard learned counsel for the applicant and perused the application, this Court finds no merit therein.

5. The delay sought to be condoned is not marginal but **2868 days**, which is exceptionally long. In such a case, the applicant is required to furnish a cogent, convincing and satisfactory explanation covering the entire period of delay. The expression "sufficient cause" occurring in Section 5 of the Limitation Act cannot be construed so liberally as to condone gross negligence, prolonged inaction or lack of bona fides. The discretion vested in the Court is judicial and must be exercised on well-recognised principles and not on sympathetic considerations alone.

6. The explanation furnished by the appellant is wholly vague and bereft of material particulars. A bald plea that the previous counsel failed to advise the appellant regarding the remedy of second appeal does not, by itself, constitute sufficient cause. No affidavit of the previous counsel has been placed on record, nor has any material been produced to substantiate such an allegation. It is well settled that a litigant cannot seek condonation of an inordinate delay merely by making an unsubstantiated allegation against his counsel.

7. The appellant's own conduct belies the explanation furnished in the application. Admittedly, after dismissal of the first appeal, he actively contested the execution proceedings and even invoked the revisional jurisdiction of this Court by filing Civil Revision No.162 of 2020 challenging



an order passed by the Executing Court. His participation in those proceedings unmistakably demonstrates that he was fully aware of the decree passed by the First Appellate Court and was continuously pursuing legal remedies. Once such knowledge is established, the plea that he remained unaware of the remedy of filing a second appeal or of the period of limitation becomes wholly untenable.

8. It is equally well settled that pendency of execution proceedings or challenge to orders passed therein does not suspend or extend the statutory period of limitation prescribed for filing an appeal against the original decree. If the appellant consciously elected to pursue proceedings arising out of execution without challenging the appellate decree within limitation, he cannot subsequently invoke Section 5 of the Limitation Act to overcome the consequences of his own inaction.

9. The Supreme Court in ***P.K. Ramachandran v. State of Kerala, (1997) 7 SCC 556, Balwant Singh (Dead) v. Jagdish Singh, (2010) 8 SCC 685*** and ***Basawaraj and another v. Special Land Acquisition Officer, (2013) 14 SCC 81*** has consistently held that the law of limitation has to be applied with its full rigour and that inordinate delay cannot be condoned in the absence of a bona fide and satisfactory explanation constituting "sufficient cause".

10. In the present case, the explanation offered by the appellant neither explains the entire period of delay nor discloses any circumstance beyond his control preventing him from approaching this Court within the prescribed period. Rather, the record reflects prolonged negligence and complete lack of due diligence on his part. This Court, therefore, finds no sufficient cause to exercise its discretionary jurisdiction under Section 5 of the Limitation Act.



2026:PHHC:093958

RSA-2489-2026 (O&M)

[4]

2026:PHHC:093958



11. Consequently, CM-8790-C-2026 is dismissed. As a necessary corollary, the present Regular Second Appeal, being hopelessly barred by limitation, also stands dismissed without examining the merits of the concurrent judgments and decrees passed by the Courts below.

10.07.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No