



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

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**I. CM-6274-C-2021; CM-6272-C-2021
in/and RSA-1582-2021 (O&M)**

Sarwan SinghAppellants

Vs.

Union of India and OthersRespondents

**II. CM-11-C-2023; CM-10-C-2023
in/and RSA-7-2023 (O&M)**

Ghasita SinghAppellants

Vs.

Union of India and OthersRespondents

Date of Decision.:28.03.2025

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

**Present:- Mr. Naveen Bawa, Advocate
for the appellants.**

**Mr. R.K. Takkar, DAG, Punjab for
respondent Nos.2, 9 and 10.**

DEEPAK GUPTA, J. (ORAL)

These two Regular Second Appeals have arisen out of similar facts and circumstances. Plaintiffs in both the suits claimed compensation/damages for their illegal detention during Operation Blue Star, which had taken place in Amritsar in June, 1984. Cases were registered against them. They were tried and ultimately acquitted.

2. Separate suits filed by both the plaintiffs for seeking damages were dismissed by the trial Courts on 30.07.2011 and the appeals preferred



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by them were partly decreed by the first Appellate Court on 12.04.2017.

3.1 By way of application bearing No.**CM-6272-C-2021** in RSA N: 1582-2021 filed under Section 5 of the Limitation Act read with Section 151 CPC, appellant Sarwan Singh seeks condonation of delay of 717 days in refiling the appeal; whereas by way of another application bearing No.**CM-6274-C-2021** in the same appeal, he seeks condonation of delay of 699 days in filing the appeal.

3.2 Similarly, in RSA-7-2023, application bearing No.**CM-11-C-2023** is moved by appellant Ghasita to condone the delay of 716 days in filing the appeal; and **CM-10-C-2023** is moved under Section 151 CPC for condoning the delay of 1071 days in refiling the appeal.

4. On behalf of the applicant-appellant Sarwan Singh, it is contended that due to long illegal detention of five years, appellant had suffered monetary losses. He could not arrange the Court fee. With great difficulty, he managed sufficient funds to affix the Court fee and then filed the appeal with 699 days delay. It is also submitted that the appeal was returned with certain objections by the registry on 31.07.2019. Some documents were required to be filed and in order to collect the same, the delay of 717 days has taken place.

5. Similarly, applicant-appellant Ghasita Singh has pleaded the same reason to the effect that due to his long incarceration in custody, he was unable to arrange funds to pay the Court fee and after managing the same, he filed the appeal after 716 days; and after return of the file by the registry, it took time to collect the requisite documents and that in the meantime, COVID-19 had also set in.

6. Notice of the application was issued and consequently,



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appearance has been made on behalf of respondent Nos.1, 2, 9 and 10.

7. I have considered submissions of learned counsel for the appellant and learned State counsel and finds that the grounds pleaded by both the applicants for condoning huge delay in filing the appeal and then subsequent huge delay in refiling the appeal is absolutely not justifiable. In case, appellants were not able to arrange sufficient funds to pay the court fee, they could have approached the Court to file the appeal as an indigent person. They could have availed the services of legal services authorities. No attempt appears to have been made by them to approach any counsel even to seek legal advice within reasonable time.

8. In the above circumstances, this Court does not find the grounds pleaded for condoning the delay to be just, cogent & reasonable. Therefore, all the four applications (two each) as moved in the two appeals as referred above, are hereby dismissed and consequent thereto, both the appeals are hereby dismissed being barred by limitation.

All other miscellaneous application(s), if any, stand disposed of.

A photocopy of this order be placed on the connected case file.

(DEEPAK GUPTA)
JUDGE

March 28, 2025

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No