IN THE HIGH COURT OF JHARKHAND AT RANCHI
F.A. No.258 of 2026

Alfondius Soren son of late Simon Soren, aged about 51 years, resident of vill-Gopalpur, P.O. and P.S. Shikaripara, District-Dumka, Jharkhand **... ... Appellant**

Versus

Bina Bhengra wife of Alfondius Soren, aged about 49 years, resident of village-Makrampur, Baganpara, P.O. Makrampur, P.S. Lal Bazar, District-Birbhum, West Bengal **... ... Respondent**

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. J.J. Sanga, Adv.
: Mr. Randhir Kumar Sharma, Adv.
: Ms. Angel Khalkho, Adv.
For the Respondent : Ms. Shivani Jhaluka, Adv.

Order No.08/Dated 01th September, 2026

Per Sujit Narayan Prasad, J.:

1. The instant first appeal, under Section 19(1) of Family Courts Act, 1984, is directed against the order/judgment dated 30.07.2024 passed by learned Principal Judge, Family Court, Dumka in Original Suit No.57 of 2022 whereby and whereunder the suit filed by the appellant under Section 10(vii) of Divorce Act has been dismissed.

I.A. No. 17127 of 2025

2. The instant appeal is admittedly barred by limitation since there is delay of 233 days in preferring the appeal, therefore, an application being I.A. No. 17127 of 2025 has been filed for condoning such delay.

3. This Court, after taking into consideration the fact that the instant appeal has been filed after inordinate delay of 233

days, deems it fit and proper, to first consider the delay condonation application before going into the legality and propriety of the impugned order on merit.

4. Learned counsel for the applicant-appellant has submitted that delay in preferring the appeal may be condoned by allowing the Interlocutory Application on the basis of grounds shown therein treating the same to be sufficient.

5. The ground for condoning the delay in preferring the appeal, as has been mentioned at paragraph-5 of the interlocutory application is that the delay of 233 days in filing the First Appeal was neither intentional nor deliberate rather the appellant/applicant/plaintiff was into financial hardship hence, the delay of 233 days has occurred in filing the present appeal, for ready reference, paragraph-5 of the instant interlocutory application is being quoted hereunder as :-

> "5. That the delay of 233 days in filing the First Appeal was neither intentional nor deliberate, rather the appellant/plaintiff was into financial hardship hence the delay of 233 days in filing this First Appeal may be condoned."

6. We have heard the learned counsel for the appellant on delay condonation application and before considering the same, this Court, deems it fit and proper to refer certain legal proposition as has been propounded by the Hon'ble Apex Court with respect to the approach of the Court in condoning the inordinate delay.

7. There is no dispute about the fact that generally the *lis* is not to be rejected on the technical ground of limitation but certainly if the filing of appeal suffers from inordinate delay, then the duty of the Court is to consider the application to condone the delay before entering into the merit of the *lis*.

8. It requires to refer herein that the Law of limitation is enshrined in the legal maxim *interest reipublicae ut sit finis litium* (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties, rather the idea is that every legal remedy must be kept alive for a legislatively fixed period of time, as has been held in the judgment rendered by the Hon'ble Apex Court in ***Brijesh Kumar & Ors. Vrs. State of Haryana & Ors., (2014) 11 SCC 351.***

9. The Privy Council in ***General Accident Fire and Life Assurance Corpn. Ltd. v. Janmahomed Abdul Rahim, (1939-40) 67 IA 416***, relied upon the writings of Mr. Mitra in Tagore Law Lecturers, 1932, wherein, it has been said that:

> "A Law of limitation and prescription may appear to operate harshly and unjustly in a particular case, but if the law provides for a limitation, it is to be enforced even at the risk of hardship to a particular party as the Judge cannot, on equitable grounds, enlarge the time allowed by the law, postpone its operation, or introduce exceptions not recognized by law."

10. In ***P.K. Ramachandran v. State of Kerala, (1997) 7 SCC 556***, the Apex Court while considering a case of

condonation of delay of 565 days, wherein no explanation much less a reasonable or satisfactory explanation for condonation of delay had been given, held at paragraph-6 as under:

> "6. Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the courts have no power to extend the period of limitation on equitable grounds."

11. While considering the similar issue, this Court in ***Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12 SCC 649***, wherein, it has been held as under:

> "21.5 (v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.
>
> 21.7. (vii) The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play.
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> 21.9. (ix) the conduct, behavior and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go-by in the name of liberal approach.
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> 22.4. (d) The increasing tendency to perceive delay as a non-serious matter and, hence, lackadaisical propensity can be exhibited in a nonchalant manner requires to be curbed, of course, within legal parameters."

12. It is settled position of Law that when a litigant does not act with bona fide motive and at the same time, due to inaction and laches on its part, the period of limitation for

filing the appeal expires, such lack of bona fide and gross inaction and negligence are the vital factors which should be taken into consideration while considering the question of condonation of delay.

13. The Hon'ble Apex Court in ***Ramlal, Motilal and Chhotelal Vrs. Rewa Coalfields Ltd., (1962) 2 SCR 762***, has held that merely because sufficient cause has been made out in the facts of the given case, there is no right to the appellant to have delay condoned. At paragraph-12, it has been held as hereunder:-

> "**12.** It is, however, necessary to emphasise that even after sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the court by Section 5. If sufficient cause is not proved nothing further has to be done; the application for condoning delay has to be dismissed on that ground alone. If sufficient cause is shown then the court has to enquire whether in its discretion it should condone the delay. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage that diligence of the party or its bona fides may fall for consideration; but the scope of the enquiry while exercising the discretionary power after sufficient cause is shown would naturally be limited only to such facts as the court may regard as relevant. It cannot justify an enquiry as to why the party was sitting idle during all the time available to it. In this connection we may point out that considerations of bona fides or due diligence are always material and relevant when the court is dealing with applications made under

> Section 14 of the Limitation Act. In dealing with such applications the court is called upon to consider the effect of the combined provisions of Sections 5 and 14. Therefore, in our opinion, considerations which have been expressly made material and relevant by the provisions of Section 14 cannot to the same extent and in the same manner be invoked in dealing with applications which fall to be decided only under Section 5 without reference to Section 14. In the present case there is no difficulty in holding that the discretion should be exercised in favour of the appellant because apart from the general criticism made against the appellant's lack of diligence during the period of limitation no other fact had been adduced against it. Indeed, as we have already pointed out, the learned Judicial Commissioner rejected the appellant's application for condonation of delay only on the ground that it was appellant's duty to file the appeal as soon as possible within the period prescribed, and that, in our opinion, is not a valid ground."

14. Thus, it is evident that while considering the delay condonation application, the Court of Law is required to consider the sufficient cause for condonation of delay as also the approach of the litigant as to whether it is *bona fide* or not as because after expiry of the period of limitation, a right is accrued in favour of the other side and as such, it is necessary to look into the *bona fide* motive of the litigant and at the same time, due to inaction and laches on its part.

15. It also requires to refer herein that what is the meaning of 'sufficient cause'. The consideration of meaning of 'sufficient cause' has been made in ***Basawaraj & Anr. Vrs. Spl. Land Acquisition Officer, [(2013) 14 SCC 81],*** wherein,

it has been held by the Hon'ble Apex Court at paragraphs 9 to 15 hereunder:-

> "**9.** Sufficient cause is the cause for which the defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the viewpoint of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the court concerned to exercise discretion for the reason that whenever the court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose. (See Manindra Land and Building Corpn. Ltd. v. Bhutnath Banerjee [AIR 1964 SC 1336], Mata Din v. A. Narayanan [(1969) 2 SCC 770], Parimal v. Veena [(2011) 3 SCC 545] and Maniben Devraj Shah v. Municipal Corpn. of Brihan Mumbai [(2012) 5 SCC 157].)
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> **10.** In Arjun Singh v. Mohindra Kumar [AIR 1964 SC 993] this Court explained the difference between a "good cause" and a "sufficient cause" and observed

that every “sufficient cause” is a good cause and vice versa. However, if any difference exists it can only be that the requirement of good cause is complied with on a lesser degree of proof than that of “sufficient cause”.

11. The expression “sufficient cause” should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible.

(Vide Madanlal v. Shyamlal [(2002) 1 SCC 535] and Ram Nath Sao v. Gobardhan Sao [(2002) 3 SCC 195] .)

12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. “A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.” The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim dura lex sed lex which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently been held that, “inconvenience is not” a decisive factor to be considered while interpreting a statute.

13. The statute of limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time

become stale. According to Halsbury's Laws of England, Vol. 28, p. 266:

"605. Policy of the Limitation Acts.—The courts have expressed at least three differing reasons supporting the existence of statutes of limitations namely, (1) that long dormant claims have more of cruelty than justice in them, (2) that a defendant might have lost the evidence to disprove a stale claim, and (3) that persons with good causes of actions should pursue them with reasonable diligence."

An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence or laches. (See Popat and Kotecha Property v. SBI Staff Assn. [(2005) 7 SCC 510] , Rajender Singh v. Santa Singh [(1973) 2 SCC 705 : AIR 1973 SC 2537] and Pundlik Jalam Patil v. Jalgaon Medium Project [(2008) 17 SCC 448]

14. In P. Ramachandra Rao v. State of Karnataka [(2002) 4 SCC 578] this Court held that judicially engrafting principles of limitation amounts to legislating and would fly in the face of law laid down by the Constitution Bench in Abdul Rehman Antulay v. R.S. Nayak [(1992) 1 SCC 225].

15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by

> imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."

16. Thus, it is evident that the sufficient cause means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted deliberately" or "remained inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the Court concerned to exercise discretion for the reason that whenever the Court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay. The Court has to examine whether the mistake is bona fide or was merely a device to cover the ulterior purpose as has been held in ***Manindra Land and Building Corporation Ltd. Vrs. Bhutnath Banerjee & Ors., AIR 1964 SC 1336, Lala Matadin Vrs. A. Narayanan, (1969) 2 SCC 770, Parimal Vrs. Veena @ Bharti, (2011) 3 SCC 545 and Maniben Devraj Shah Vrs. Municipal Corporation of Brihan***

Mumbai, (2012) 5 SCC 157.

17. It has further been held in the aforesaid judgments that the expression 'sufficient cause' should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible, reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in ***Ram Nath Sao @ Ram Nath Sahu & Ors. Vrs. Gobardhan Sao & Ors., (2002) 3 SCC 195***, wherein, at paragraph-12, it has been held as hereunder:-

> "**12.** Thus it becomes plain that the expression "sufficient cause" within the meaning of Section 5 of the Act or Order 22 Rule 9 of the Code or any other similar provision should receive a liberal construction so as to advance substantial justice when no negligence or inaction or want of bona fides is imputable to a party. In a particular case whether explanation furnished would constitute "sufficient cause" or not will be dependent upon facts of each case. There cannot be a straitjacket formula for accepting or rejecting explanation furnished for the delay caused in taking steps. But one thing is clear that the courts should not proceed with the tendency of finding fault with the cause shown and reject the petition by a slipshod order in over-jubilation of disposal drive. Acceptance of explanation furnished should be the rule and refusal, an exception, more so when no negligence or inaction or want of bona fides can be imputed to the

> defaulting party. On the other hand, while considering the matter the courts should not lose sight of the fact that by not taking steps within the time prescribed a valuable right has accrued to the other party which should not be lightly defeated by condoning delay in a routine-like manner. However, by taking a pedantic and hypertechnical view of the matter the explanation furnished should not be rejected when stakes are high and/or arguable points of facts and law are involved in the case, causing enormous loss and irreparable injury to the party against whom the lis terminates, either by default or inaction and defeating valuable right of such a party to have the decision on merit. While considering the matter, courts have to strike a balance between resultant effect of the order it is going to pass upon the parties either way."

18. This Court, after considering the aforesaid proposition and the explanation furnished in the delay condonation application to condone the inordinate delay of 233 days, is proceeding to examine as to whether the explanation furnished can be said to be sufficient explanation for condoning the delay.

19. It is evident from the judgments referred hereinabove, wherein, expression 'sufficient cause' has been dealt with which means that the party should not have acted in a negligent manner or there was a want of *bona fide* on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted deliberately" or "remained inactive".

20. This Court, in order to assess as to whether the ground as has been referred in paragraph-5 of the instant

interlocutory application can be considered to be sufficient cause for condoning the delay of 233 days in filing the appeal, has scrutinized the record and found therefrom that the order was passed on 30.07.2024 in presence of the learned counsel for the appellant.

21. The only reason has been shown that the delay of 233 days in filing the First Appeal was neither intentional nor deliberate rather the appellant/applicant/plaintiff was into financial hardship hence, the delay of 233 days has occurred in filing the present appeal.

22. The ground which has been taken in the interlocutory application to the effect that the delay of 233 days in filing the First Appeal was neither intentional nor deliberate rather the appellant/applicant/plaintiff was into financial hardship hence, the delay of 233 days has occurred in filing the present appeal, does not seem to be a cogent explanation since the appellant is a Primary School Teacher and it cannot be accepted that the appellant being a Teacher was into such financial hardship that the appeal could not have been preferred within time, as such, it seems to be only an excuse for condoning the delay.

23. This Court, therefore, is of the view that the explanation which has been furnished by the appellant in the delay condonation application, cannot be said to be a sufficient cause to condone the inordinate delay.

24. This Court, after taking into consideration the ratio laid by the Hon'ble Apex Court in the judgments referred hereinabove as also the explanation furnished in the delay condonation application, is of the view that no sufficient cause has been shown to condone the inordinate delay of 233 days in filing the appeal.

25. Recently, the Hon'ble Apex Court has also dismissed S.L.P.(C) Diary No.(S) No.3188 of 2024 on 02.02.2024 filed by the State of Jharkhand against the order dated 14.08.2023 passed by this Court in L.P.A. No.401 of 2022, wherein, the delay of 259 days was not condoned.

26. This Court, applying the principle laid down by the Hon'ble Apex Court as also considering the fact that the delay of 233 days has not sufficiently been explained and as such, the instant interlocutory application deserves to be dismissed.

27. Accordingly, the delay condonation application being I.A. No. 17127 of 2025 is hereby dismissed.

28. In consequence thereof, the instant appeal also stands dismissed.

29. Pending interlocutory applications, if any, also stand dismissed.

(Sujit Narayan Prasad, J.)

(Sanjay Prasad, J.)

01st September, 2026
Shahid/**A.F.R.**
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