



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT APPEAL NO. 649 OF 2020 (L-TER)

BETWEEN:

SRI T P MOHAN
AGED ABOUT 60 YEARS
S/O LATE T S PUTTASWAMY
FORMERLY WORKING IN BEML LIMITED
MYSORE COMPLEX, BELAVADI POST
MYSORE-570018
R/AT UDAYA BUILDINGS
MAHADEV PET, MADIKERI, COORG
NOW R/AT NO.C-72, NHB 1ST PHASE
KHB COLONY, BELVADI POST
HOTAGALLI, MYSORE-570018.

...APPELLANT

(BY SRI. ANURAG KINI K., ADVOCATE FOR
SRI. DHANANJAY KUMAR, ADVOCATE)

AND:

BEML LIMITED
(A GOVERNMENT OF INDIA MINI RATNA COMPANY,
MINISTRY OF DEFENCE)
HAVING ITS CORPORATE OFFICE AT
NO.23/1, 4TH MAIN ROAD
SAMPANGIRAM NAGAR
BANGALORE-560 027
REP. BY ITS SENIOR MANAGER (LEGAL).

...RESPONDENT



THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 01.10.2013 PASSED BY THE LEARNED SINGLE JUDGE IN WRIT PETITION NO.5436/2012.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

It is noted that Sri Dhananjay Kumar, Advocate has filed a vakalath on behalf of the appellant without obtaining NOC.

2. Heard learned counsel for the appellant.

3. This appeal is filed with a delay of 2,335 days. The learned counsel states that the compromise entered into between the respondent and the appellant was different from that, which was agreed between the parties.

4. The issue before this Court at present is that whether the I.A.No.1/2020 seeking condonation of delay of 2,335 days in filing the appeal should be allowed.



5. In the affidavit filed in support of the I.A., it is stated by the proposed appellant as follows:

"1. I say that I am the appellant in the above case and I know the facts of the case.

2. I say that I am the employee of the respondent and respondent had dismissed me from service of respondent which I had challenged before Labour Court at Mysore and Labour Court passed an award modifying order of dismissal. Against the said order respondent had preferred W.P.No.5436/2012 wherein parties had filed a joint memo wherein respondent had agreed to reinstate the appellant and for his salary point it would be taken on record by 09.07.2002 and which was not implemented. Hence this appellant had preferred W.P.No.35300-301/2014 wherein this appellant had sought for setting aside of joint memo filed in W.P.No.5436/2012 which was dismissed by this Hon'ble Court by its order dated 30.07.2018 reserving liberty to this petitioner to exhaust the appropriate remedy available. Hence there is a delay.

Under these circumstances this Hon'ble Court may be pleased to allow the accompanying application and condone the delay in filing the above appeal in the interest of justice and equity."

6. It is evident from the above that no reason has been ascribed as to the delay in filing the instant appeal, apart from the fact that a W.P.No.35300-35301/2014 was filed before this Court which was dismissed on 30.07.2018 reserving liberty to the petitioner to exhaust the appropriate remedy



available. However, that cannot be a sufficient cause for condonation of delay in filing the appeal.

7. The Supreme Court in the case of ***Pathapati Subba Reddy (Died) by Legal Representatives and Others Vs. Special Duty Collector (LA)***¹ relied upon its judgment in ***Basawaraj Vs. LAO***² and went on to observe as follows:-

XXX XX XXX

"25. the discretion to condone the delay has to be exercised judiciously based upon the fact and circumstance of each case. The expression "sufficient cause" as occurring in Section 5 of the Limitation Act cannot be liberally interpreted if negligence, inaction or lack of bona fide is writ large. It was also observed that even though limitation may harshly affect rights of the parties but it has to be applied with all its rigour as prescribed under the statute as the courts have no choice but to apply the law as it stands and they have no power to condone the delay on equitable grounds.

¹ (2024) 12 SCC 336

² (2013) 14 SCC 81



26. It would be beneficial to quote paragraph 12 of the aforesaid decision which clinches the issue of the manner in which equilibrium has to be maintained between adopting liberal approach and in implementing the statute as it stands. Paragraph 12 reads as under:

"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."

27. This Court in the same breath in the same very decision vide paragraph 15 went on to observe as under:



"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."

28. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:



28.1. Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

28.2. A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

28.3. The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

28.4. In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

28.5. Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

28.6. Merely some persons obtained relief in similar matter, it does not mean that others are also entitled



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to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

28.7. Merits of the case are not required to be considered in condoning the delay; and

28.8. Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision."

8. Subsequently, in a recent decision, the Supreme Court in ***Shivamma (Dead) by LRs. Vs. Karantaka Housing Board and Others***³ has observed as follows-

"123. From above, it is manifest that that the phrase "sufficient cause" in Section 5 of the Limitation Act is an expression of elastic import, incapable of precise definition, yet not without boundaries. Its purpose is to empower courts to advance the cause of justice by preventing genuine litigants from being shut out on account of unavoidable delays. At the same time, it is equally

³ 2025 SCC Online SC 1969



clear that the phrase is not a charter for indolence or a device to revive stale claims that the law of limitation otherwise extinguishes.

124. The burden to establish sufficient cause lies upon the party seeking condonation, and the court must be satisfied that the cause is real, bona fide, and free of negligence. Sufficiency of cause is to be determined contextually, on the totality of circumstances, with due regard to the conduct of the applicant and the prejudice caused to the opposite party. The inquiry is not mechanical but principled, resting on the dual pillars of bona fides and diligence.

125. The expression "sufficient cause" is not itself a loose panacea for the ill of pressing negligent and stale claims. The expression is to be construed with justice-oriented flexibility so as not to punish innocent litigants for circumstances beyond their control.

126. Courts must not condone gross negligence, deliberate inaction, or casual indifference, for to do so would undermine the maxim interest reipublicae ut sit finis litium and destabilise the certainty that limitation law seeks to secure.



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127. The expression "sufficient cause" must be construed in a manner that advances substantial justice while preserving the discipline of limitation. The courts are not to be swayed by sympathy or technical rigidity, but rather by a judicious appraisal of whether the applicant acted with reasonable diligence in pursuing the remedy. Where explanation is bona fide, plausible, and consistent with ordinary human conduct, courts have leaned towards condonation. Where negligence, want of good faith, or a casual approach is discernible, condonation has been refused."

9. In view of the aforesaid directions/observations of the Supreme Court, the approach of Courts is required to be construed liberally in order to advance substantial justice, but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act. The merits of the case are not required to be considered in condoning the delay. The length of the delay is relevant matter, which the Court must take into consideration while considering whether the delay should be condoned or



not. 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. The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. The Supreme Court observed that 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.

10. Moreover, in the aforesaid case of ***Shivamma***, the Supreme Court has observed that the expression “sufficient cause” is not itself a loose panacea for the ill of pressing negligent and stale claims. The expression is to be construed with justice-oriented flexibility so as not to



punish innocent litigants for circumstances beyond their control. The Courts must not condone gross negligence, deliberate inaction, or casual indifference, for to do so would undermine the maxim interest reipublicae ut sit finis litium and destabilise the certainty that limitation law seeks to secure.

11. In the instant case, we notice that, no specific cause has been shown for the huge delay of 2335 days in filing the present appeal except that a W.P.No.35300-35301/2014 was filed before this Court which was dismissed on 30.07.2018 reserving liberty to the petitioner to exhaust the appropriate remedy available.

12. For the reason aforesaid, we find that sufficient cause has not been explained either in the application or in the affidavit filed in support thereof for condonation of delay. The application-I.A.No.1/2020 is accordingly rejected.



Since the application is rejected, the proposed appeal stands ***dismissed***.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(RAJESH RAI K)
JUDGE**

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List No.: 1 Sl No.: 6