



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT APPEAL NO.1562/2023 (LA-RES)

C/W

WRIT APPEAL NO.1534/2023 (LA-UDA)

IN W.A. No.1562/2023:

BETWEEN:

1. THE COMMISSIONER
MYSORE URBAN DEVELOPMENT AUTHORITY
JANSILAKSHMI BAI ROAD
MYSORE - 570 005.
2. THE SPECIAL LAND ACQUISITION OFFICER
MYSORE URBAN DEVELOPMENT AUTHORITY
JANSILAKSHMI BAI ROAD
MYSORE - 570 005.

Digitally signed
by ARSLIHA
BAHAR KHANAM

Location: HIGH
COURT OF
KARNATAKA

...APPELLANTS

(BY SRI. SHARATH GOWDA G.B. ADV.,)

AND:

1. DR. D. VEERENDRA HEGGADE
S/O LATE RATHNAVARMMA HEGGADE
AGED ABOUT 75 YEARS
R/AT DHARMASTHALA
DHARMASTHALA VILLAGE AND POST
BELTHANGADY TALUK - 574 216.



NC: 2026:KHC:18076-DB
W.A. No.1562/2023
C/W W.A. No.1534/2023

2. THE STATE OF KARNATAKA
REVENUE DEPARTMENT
VIDHANA SOUDHA
DR. AMBEDKAR VEEDHI
BENGALURU - 560 001
REP. BY ITS PRINCIPAL SECRETARY.
3. THE PRINCIPAL SECRETARY
URBAN DEVELOPMENT DEPARTMENT
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001.
4. THE UNDER SECRETARY
URBAN DEVELOPMENT DEPARTMENT
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
DR. B.R AMBEDKAR VEEDHI
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. UDAYA HOLLA, SENIOR ADVOCATE FOR
SRI. SURESH BABU B.N. ADVOCATE FOR R-1
[REP. BY GPA HOLDER]
SMT. SAVITHRAMMA, AGA FOR R-2 TO R-4)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT, 1961 AND SECTION 27 OF THE WRIT
PROCEEDINGS RULES, 1977 PRAYING TO SET ASIDE THE
ORDER DATED 01.08.2022 PASSED IN W.P.NO.21235/2017
(LA-RES) BY THE LEARNED SINGLE JUDGE AND
CONSEQUENTLY DISMISS THE PETITION IN
W.P.NO.21235/2017 (LA-RES) ON THE FILE HIGH COURT OF
KARNATAKA.



NC: 2026:KHC:18076-DB
W.A. No.1562/2023
C/W W.A. No.1534/2023

IN W.A. NO.1534/2023:

BETWEEN:

1. MYSORE URBAN DEVELOPMENT AUTHORITY
JCB ROAD, MYSORE - 570 001
REP. BY ITS COMMISSIONER.
2. THE SPECIAL LAND ACQUISITION OFFICER
MYSORE URBAN DEVELOPMENT AUTHORITY
JLB ROAD, MYSORE-570005.

...APPELLANTS

(BY SRI. SHARATH GOWDA G.B. ADV.,)

AND:

1. SRI. C. NAGARAJU
S/O LATE CHOWDAIAH
AGED ABOUT 64 YEARS
R/AT NO.484, GRAMA PANCHAYATH
ROAD, ALANAHALLI POST, ALANAHALLI
MYSORE CITY - 570 028.
2. STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
URBAN DEVELOPMENT DEPARTMENT
VIKASA SOUDHA
DR. B.R. AMBEDKAR VEEDHI
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. C.M. NAGABUSHANA, ADV., FOR R-1
SMT. SAVITHRAMMA, AGA FOR R-2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE
KARNATAKA HIGH COURT ACT, 1961 AND SECTION 27 OF
THE WRIT PROCEEDINGS RULES, 1977 PRAYING TO SET
ASIDE THE ORDER DATED 01/08/2022 PASSED IN WP



NC: 2026:KHC:18076-DB
W.A. No.1562/2023
C/W W.A. No.1534/2023

NO.12419/2018 BY THE LEARNED SINGLE JUDGE AND
CONSEQUENTLY DISMISS THE PETITION IN W.P.
NO.12419/2018 (LA-UDA) ON THE FILE HIGH COURT OF
KARNATAKA & ETC.

THESE APPEALS, COMING ON FOR ADMISSION, THIS
DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

These intra-Court appeals are filed by the appellants-
Mysore Urban Development Authority (for short, 'MUDA')
under Section 4 of the Karnataka High Court Act, 1961,
challenging the orders dated 01.08.2022 passed by the
learned Single Judge in W.P.No.21235/2017 (LA-RES) and
W.P.12419/2018 (LA-UDA), respectively.

2. Heard Sri.G.B.Sharath Gowda, learned counsel
for the appellants, Sri.Udaya Holla, learned Senior counsel
for the respondent No.1 in W.A.No.1562/2023,
Sri.C.M.Nagabhushan, learned counsel for the respondent



No.1 in W.A.No.1534/2023 and the learned Additional Government Advocate for the State.

3. The appellants issued a preliminary notification under Section 17(1) of the Karnataka Urban Development Authorities Act, 1987 (for short, 'the Act') proposing to acquire 353 acres 12 guntas of land in Alanahalli Village for formation of Alanahalli II Stage. A final notification was issued under Section 19(1) of the Act, to acquire 350 acres 16 guntas of land. The subject matter of the land in these appeals are Sy.No.124/1 measuring 2 acres 4 guntas, Sy.No.124/2 measuring 2 acres 3 guntas, Sy.No.141/2 measuring 1 acre 4 guntas and Sy.No.141/3 measuring 1 acre 4 guntas situated at Alanahalli Village, Kasaba Hobli, Mysuru Taluk and District. The records indicate that the award came to be passed on 15.12.1999, the possession was taken by the appellants to an extent of 55 acres 25 guntas of land, out of which, 1 acre 11 guntas of land was utilized and the compensation amount was deposited on 29.07.2019 i.e. during the pendency of the



writ proceedings. The land owners challenged the acquisition proceedings and sought for a declaration that the proposed scheme stands lapsed under the provisions of Sections 27 and 36 of the Act.

4. The learned Single Judge allowed the writ petitions by quashing the impugned preliminary notification dated 25.06.1992, final notification dated 18.03.1996 and all the acquisition proceedings insofar as the subject lands. Being aggrieved, the MUDA has filed these appeals along with separate applications seeking to condone the delay of 467 days and 461 days, respectively.

5. The Commissioner, MUDA filed affidavits in support of the applications filed under Section 5 of the Limitation Act, 1963. The affidavits in both the applications are verbatim. In paragraphs 1 to 4 of the affidavits, the deponent has stated that he is the Commissioner of the Authority, the writ petitions were filed seeking to challenge the notification which is more



than 15 years old and the scheme has been substantially implemented. However, the learned Single Judge has not considered the said aspect. The aforesaid averments pertain to the merits of the appeals and nothing to do with the cause for delay in filing the appeals. In paragraph 5 of the affidavits, it is stated that the impugned orders were passed on 01.08.2022 and upon securing the certified copies, an opinion was sought about the feasibility of assailing the orders, the legal section have gone through the orders and noticed that the issue was pertaining to the year 1992-93. There was some delay in procuring the file pertaining to the respondent and taking a decision in this regard and after perusal of the file, the legal section opined that it is a fit case to file the appeals and thereafter, the appeals were filed. It is further deposed that there was also delay in seeking the opinion of the Urban Development Department before filing the appeals. It is also deposed that the delay is for the *bona fide* reasons stated, the same could not have been avoided,



they have a good case on merits and no harm or injustice would be caused to the respondent if the delay is condoned. On a cogent reading of paragraphs 5 to 9 of the affidavits, it can be said that a vague assertion is made with regard to the delay by stating that the certified copies were obtained, opinion was sought and after receipt of the opinion from the legal department, a decision was taken. The affidavits are bereft of details as to when the certified copies were obtained, when the opinion of the Law Department was sought and when the opinion was furnished by the Law Department. The affidavits also indicate that the opinion was sought from the Urban Development Department, Government of Karnataka. However, nothing is forthcoming from the affidavits with regard to the date of seeking such opinion. In the absence of any acceptable cause, the aforesaid explanation can be termed as an excuse for the negligence and lapse of the officials of the appellants and cannot be termed as sufficient cause. It is also noted that after the



order of the learned Single Judge, MUDA has approved the development plan in respect of one of the respondents' land and the development work is taken up, hence entertaining the belated appeal would cause prejudice to the land owners.

6. It would be useful to refer the decisions of the Hon'ble Supreme Court on the aspect of delay. In the case of **BASAWARAJ AND ANOTHER Vs. SPECIAL LAND ACQUISITION OFFICER¹**, the Hon'ble Supreme Court in paragraph Nos.11 to 15 held as under:

"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 : AIR 2002 SC 100] and Ram Nath Sao v. Gobardhan Sao [(2002) 3 SCC 195 : AIR 2002 SC 1201] .)

¹ (2013) 14 SCC 81



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 : (2009) 5 SCC (Civ) 907] .)

14. *In P. Ramachandra Rao v. State of Karnataka [(2002) 4 SCC 578 : 2002 SCC (Cri) 830 : AIR 2002 SC 1856] 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 : 1992 SCC (Cri) 93 : AIR 1992 SC 1701] .*

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."

(Emphasis supplied)

7. In the case of ***SHEO RAJ SINGH Vs. UNION OF INDIA AND OTHERS²***, the Hon'ble Supreme Court has held in paragraphs 30 to 36 as under:

"30. *Considering the aforementioned decisions, there cannot be any quarrel that this Court has stepped in to ensure that substantive rights of private parties and the State are not defeated at the threshold simply due to technical considerations of*

² (2023) 10 SCC 531



delay. However, these decisions notwithstanding, we reiterate that condonation of delay being a discretionary power available to courts, exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial.

31. *Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an "explanation" and an "excuse". An "explanation" is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. **Care must, however, be taken to distinguish an "explanation" from an "excuse".** Although people tend to see "explanation" and "excuse" as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real.*



32. *An "excuse" is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an "excuse" would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication.*

33. *Be that as it may, it is important to bear in mind that we are not hearing an application for condonation of delay but sitting in appeal over a discretionary order of the High Court granting the prayer for condonation of delay. In the case of the former, whether to condone or not would be the only question whereas in the latter, whether there has been proper exercise of discretion in favour of grant of the prayer for condonation would be the question. Law is fairly well-settled that "a court of appeal should not ordinarily interfere with the discretion exercised by the courts below". If any authority is*



required, we can profitably refer to the decision in Manjunath Anandappa v. Tammanasa [Manjunath Anandappa v. Tammanasa, (2003) 10 SCC 390] , which in turn relied on the decision in Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha [Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha, (1980) 2 SCC 593 : 1980 SCC (L&S) 197] where it has been held that:

"an appellate power interferes not when the order appealed is not right but only when it is clearly wrong".

34. *The order under challenge in this appeal is dated 21-12-2011 [Union of India v. Sheo Raj, 2011 SCC OnLine Del 5511] . It was rendered at a point of time when the decisions in Katiji [Collector (LA) v. Katiji, (1987) 2 SCC 107] , Ramegowda [G. Ramegowda v. LAO, (1988) 2 SCC 142] , Chandra Mani [State of Haryana v. Chandra Mani, (1996) 3 SCC 132] , K.V. Ayisumma [Tehsildar (LA) v. K.V. Ayisumma, (1996) 10 SCC 634] and Lipok AO [State of Nagaland v. Lipok Ao, (2005) 3 SCC 752 : 2005 SCC (Cri) 906] were holding the field. It is not that the said decisions do not hold the field now, having been overruled by any subsequent decision. Although there have been some decisions in the recent past [State of M.P. v. Bherulal [State of M.P. v. Bherulal, (2020) 10 SCC 654 : (2021) 1 SCC (Civ) 101 : (2021) 1 SCC (Cri) 117 : (2021) 1 SCC (L&S) 84] is*



one such decision apart from University of Delhi [University of Delhi v. Union of India, (2020) 13 SCC 745]] which have not accepted governmental lethargy, tardiness and indolence in presenting appeals within time as sufficient cause for condonation of delay, yet, the exercise of discretion by the High Court has to be tested on the anvil of the liberal and justice oriented approach expounded in the aforesaid decisions which have been referred to above.

35. *We find that the High Court in the present case assigned the following reasons in support of its order:*

35.1. *The law of limitation was founded on public policy, and that some lapse on the part of a litigant, by itself, would not be sufficient to deny condonation of delay as the same could cause miscarriage of justice.*

35.2. *The expression "sufficient cause" is elastic enough for courts to do substantial justice. Further, when substantial justice and technical considerations are pitted against one another, the former would prevail.*

35.3. *It is upon the courts to consider the sufficiency of cause shown for the delay, and the length of delay*



is not always decisive while exercising discretion in such matters if the delay is properly explained. Further, the merits of a claim were also to be considered when deciding such applications for condonation of delay.

35.4. *Further, a distinction should be drawn between inordinate unexplained delay and explained delay, where in the present case, the first respondent had sufficiently explained the delay on account of negligence on part of the government functionaries and the government counsel on record before the Reference Court.*

35.5. *The officer responsible for the negligence would be liable to suffer and not public interest through the State. The High Court felt inclined to take a pragmatic view since the negligence therein did not border on callousness.*

36. *Given these reasons, we do not consider discretion to have been exercised by the High Court in an arbitrary manner. The order under challenge had to be a clearly wrong order so as to be liable for interference, which it is not."*

(Emphasis supplied)



8. The Hon'ble Supreme Court, in the aforesaid judgments has taken note of its earlier judgment in the case of **COLLECTOR (LA) Vs. KATIJI**,³ wherein it is held in paragraph 3 as under:

"3. The legislature has conferred the power to condone delay by enacting Section 5 [Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908, may be admitted after the prescribed period if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.] of the Indian Limitation Act of 1963 in order to enable the courts to do substantial justice to parties by disposing of matters on "merits". The expression "sufficient cause" employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice — that being the life-purpose for the existence of the institution of courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other

³ (1987) 2 SCC 107



courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:

"1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.

2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.

3. "Every day's delay must be explained" does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.



6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so."

9. The approach of the Courts in condoning the delay should be pragmatic when sufficient cause is shown. In the instant case, the cause shown by the appellants is not sufficient to condone the enormous delay of 467 days and 461 days, respectively.

10. It would also be useful to refer to the recent judgment of the Hon'ble Supreme Court in the case of **PATHAPATI SUBBA REDDY Vs. SPECIAL DEPUTY COLLECTOR (LA)**⁴, wherein the Hon'ble Supreme Court has held in paragraphs 15, 16, 17 and 26 as under:

"15. It is in the light of the public policy upon which law of limitation is based, the object behind the law of limitation and the mandatory and the directory nature of Section 3 and Section 5 of the Limitation Act that we have to examine and strike a balance

⁴ 2024 SCCOnline SC 513



between Section 3 and Section 5 of the Limitation Act in the matters of condoning the delay.

16. *Generally, the courts have adopted a very liberal approach in construing the phrase 'sufficient cause' used in Section 5 of the Limitation Act in order to condone the delay to enable the courts to do substantial justice and to apply law in a meaningful manner which subserves the ends of justice. In Collector, Land Acquisition, Anantnag v. Katiji², this Court in advocating the liberal approach in condoning the delay for 'sufficient cause' held that ordinarily a litigant does not stand to benefit by lodging an appeal late; it is not necessary to explain every day's delay in filing the appeal; and since sometimes refusal to condone delay may result in throwing out a meritorious matter, it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate, it ought to be condoned. Notwithstanding the above, howsoever, liberal approach is adopted in condoning the delay, existence of 'sufficient cause' for not filing the appeal in time, is a condition precedent for exercising the discretionary power to condone the delay. The phrases 'liberal approach', 'justice-oriented approach' and cause for the advancement of 'substantial justice' cannot be employed to defeat*



the law of limitation so as to allow stale matters or as a matter of fact dead matters to be revived and re-opened by taking aid of Section 5 of the Limitation Act.

17. *It must always be borne in mind that while construing 'sufficient cause' in deciding application under Section 5 of the Act, that on the expiry of the period of limitation prescribed for filing an appeal, substantive right in favour of a decree-holder accrues and this right ought not to be lightly disturbed. The decree-holder treats the decree to be binding with the lapse of time and may proceed on such assumption creating new rights.*

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

(i) 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;

(ii) 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;



(iii) *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;*

(iv) *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;*

(v) *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;***

(vi) *Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not*



satisfied with the cause shown for the delay in filing the appeal;

(vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) 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."

(emphasis supplied)

11. The Hon'ble Supreme Court in the case of **SHIVAMMA (DEAD) BY LRS. Vs. KARNATAKA HOUSING BOARD AND OTHERS⁵**, in paragraphs 261, 262, 263 and 264 has held as under:

"261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we

⁵ 2025 SCC Online SC 1969



want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals



under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. *Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.*

264. *No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law."*

[emphasis supplied]

12. The Hon'ble Supreme Court in the aforesaid judgments has considered its earlier judgments in the case of **KATIJI** and **BASAWARAJ AND ANOTHER** referred *supra* and held that the phrases 'liberal approach', 'justice



oriented approach' and 'cause for advancement of substantial justice' cannot be employed to defeat the law of limitation so as to allow the stale matter to be revived and reopened by taking shelter under Section 5 of the Limitation Act. Further, it has been held that no Courts would be justified in condoning such inordinate delay by imposing any condition whatsoever.

13. Keeping in mind the enunciation of law laid down by the Hon'ble Supreme Court referred to *supra*, we are of the considered view that the appellants have failed to show sufficient cause to condone the enormous delay of 467 days and 461 days, respectively, in filing the appeals. The averments made in the affidavits accompanying the applications for condonation of delay are extremely vague and do not provide a satisfactory explanation to condone such an enormous delay. The condoning of enormous delay as sought by the appellants is nothing but a revival of the dead right of the appellants. If such applications for condonation of delay are entertained without any sufficient



cause, it would confer a right in favour of the litigant who is a fence sitter, lacks *bona fides* and who is not diligent about his rights. Such an approach would defeat the very object of law of limitation and allowing the applications would run contrary to the public policy and cause great injustice to the respondents. In the absence of plausible and acceptable explanation in the affidavits filed by the appellants, the inordinate delay cannot be condoned mechanically merely because the statutory authority is in appeal. The cause shown in the affidavits clearly indicates that the delay is caused due to callous and lackadaisical attitude on the part of the officials functioning in the MUDA.

14. For the aforementioned reasons, we are of the considered view that the appellants have failed to show the sufficient cause to condone the delay of 467 days and 461 days, respectively, in preferring the appeals. Hence, we proceed to pass the following :



NC: 2026:KHC:18076-DB
W.A. No.1562/2023
C/W W.A. No.1534/2023

ORDER

I.A.No.1/2023 in both the appeals are dismissed.

Consequently, the appeals and other pending applications are dismissed.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

RV
List No.: 1 Sl No.: 4