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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Judgment: 16th July, 2019

+ LPA 111/2019

DD GEARS EMPLOYEES UNION Appellant
Through Mr. Mishal Johari, Advocate

versus

DD GEARS LIMITED & ANR Respondents
Through

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MS. JUSTICE JYOTI SINGH

G.S. SISTANI, J. (ORAL)

CM.APPL 7122/2019(delay) & CM.APPL 7123/2019(delay in re-filing)
& LPA 111/2019

1. The application being CM.APPL 7122/2019 has been filed seeking condonation of 901 days delay in filing the present appeal. Another application being CM.APPL 7123/2019 has been filed seeking condonation of 472 days in re-filing the appeal. The grounds seeking condonation of delay in CM APPL 7122/2019 finds mentioned in para 3 of the application. Para 3 is being reproduced below:

“3. That the delay in filing the appeal is since most documents filed before the Hon’ble Single Judge in WP(C).1091/03 and WP(C).7667/03 were lying with the members of the petitioner union at their native hometowns due to which arranging and constructing the documents and files,

caused the undue delay, hence, on this account there was a delay of 901 days.”

2. Somewhat similar ground has been raised in para 3 of CM.APPL 7123/2019 seeking condonation of 472 days in re-filing the appeal. The learned counsel for the appellant submits that the delay was for the reasons that most of the documents filed before the learned Single Judge in W.P.(C).1091/2003 and W.P.(C).7667/2003 were lying with the members of the petitioner union at their native hometown due to which arranging and constructing the documents resulted in delay. We find the reasons seeking condonation of delay to be highly casual, vague, without any particulars. At the outset, we are not convinced with the reasons sought to be urged seeking condonation of delay. The application does not disclose which documents were not available. While deciding the applications seeking condonation of delay, the Court must satisfy that the delay was caused on account of bona fide reasons and not on account of carelessness or inaction on the part of the appellant.
3. The Apex Court in the case of *Brijesh Kumar and Ors. v. State of Haryana and Ors.*, reported at (2014) 11 SCC 351, whereby the Court categorically held that sufficient cause is the condition precedent for exercising the discretion by Court for condoning the delay. The appellant could not take benefit, thereof approaching the Court at belated stage. The operative paragraphs, more particularly, paras 6, 7, and 8 are reproduced below:

“6. The issues of limitation, delay and laches as well as condonation of such delay are being examined and explained everyday by the courts. 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.

7. The Privy Council in *General Accident Fire and Life Assurance Corpn. Ltd. v. Janmahomed Abdul Rahim* [(1939-40) 67 IA 416 : (1941) 53 LW 212 : AIR 1941 PC 6] , relied upon the writings of Mr Mitra in Tagore Law Lectures, 1932 wherein it has been said that: (IA p. 426)

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 recognised by law.

8. In *P.K. Ramachandran v. State of Kerala* [(1997) 7 SCC 556 : AIR 1998 SC 2276] , 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 as under: (SCC p. 558, para 6)

“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.”

(Emphasis supplied)

4. We find both the applications to be devoid of any merit. There are no cogent reasons which have been set out seeking condonation of delay. Accordingly, the application seeking condonation of 901 days in filing

the appeal and the application seeking condonation of 472 days in re-filing the appeal are dismissed.

5. Resultantly, the appeal also stands dismissed.

G.S. SISTANI, J

JYOTI SINGH, J

JULY 16, 2019

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