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

+ **CRL.L.P. 613/2017, CRL.M.A. 17414/2017**

RAMJEET

.....Petitioner

Through: Mr.Prakash Sinha and Mr. Rakesh
Mishra, advts.

versus

STATE GOVT OF NCT OF DELHI & ORS.Respondents

Through: Mr.Satish Kumar, APP for the State.
Inspector Satya Veer PS Chanakya
Puri
Mr. Suryakant Singla, Mr.
ShantoMukerjee advocates for R-2 to
R-5

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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26.07.2024

CRL.M.A. 17414/2017 (delay) & CRL.L.P. 613/2017

Mr.Surya Kanta Singla, learned counsel for respondents no.2 to 5 has informed that respondent no.5 has died on 04.10.2023. It has also been submitted that the present petition is badly barred by limitation as being filed after delay of 402 days.

Learned counsel for petitioner submits that the petition could not be filed within time due to lack of means and a number of family problems. Learned counsel has also submitted that the petitioner is a less educated person who was given different legal advice for availing his remedies.



Learned counsel also submitted that the petitioner is a very poor person and could not avail the remedy within the limitation period.

It is a settled proposition that limitation is a vested right of the opposite party and if it accrues, the same cannot be disturbed merely at the asking. The limitation period has been provided in the statute so as to bring certainty. The limitation cannot be extended without sufficient cause being shown. The term 'sufficient cause' has been discussed in **Balwant Singh vs. Jagdish Singh and Others** (2010) 8 SCC 685, wherein the Supreme court has inter alia held that the expression "sufficient cause" implies the presence of legal and adequate reasons. The word "sufficient" means adequate enough, as much as may be necessary to answer the purpose intended. Furthermore, this court in **State Govt. of NCT of Delhi vs. Satish Kumar** 2017 (244) DLT 333 (Crl.L.P.367/2017) has held that an inordinate delay of 309 days in filing the petition cannot be condoned merely on account of procedural delay which was said to be inevitable and unavoidable and thus was not deliberate. Therefore, such explanations are unsatisfactory and thus, the Court is not persuaded to condone the inordinate delay.

Though this is correct that dictums of this court and Hon'ble Supreme Court have laid down that there may be liberal construction but in the name of liberal interpretation of such provisions, the negligence of the petitioner cannot be condoned. Therefore, if one party has been negligent in implementing its rights and remedies, it will be unfair to deprive the other party of a valuable right that has accrued to it in law as a result of its acting vigilantly in a timely manner.



I consider that there is no merit in the application for condonation of delay as the petitioner has failed to cross the first threshold of limitation. The application is accordingly dismissed.

In view of the order passed in the condonation of delay application and that the petitioner has failed to cross the first threshold of the limitation, the petition also stands dismissed.

DINESH KUMAR SHARMA, J

JULY 26, 2024/rb/k