

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.231 of 2022

In
Letters Patent Appeal No.1355 of 2014

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1. The State of Bihar through the Principal Secretary, Cabinet Secretariat (Civil Aviation) Old Secretariat, Police Station-Sachivalaya, District-Patna.
 2. The Finance Commissioner, Finance Department, Old Secretariat, P.S.Sachivalaya, District-Patna.
 3. The Director Cum Chief Pilot, Civil Aviation Cabinet Secretariat, Patna Airport, Government Bihar, Patna.
 4. The Deputy Secretary, Civil Aviation, Cabinet Secretariat, Bihar, Patna.

... .. Petitioner/s

Versus

1. Prabhu Nath Singh S/o Late Rameshwar Singh Residing at B/503, Officers Hostel, Bailey Road, Police Station Shastrinagar, District Patna.
2. The Directorate of Civil Aviation, through Director General of Civil Aviation, New Delhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arya Achint (AC TO AAG 13)

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 15-04-2025

Re: I.A. No. 01 of 2022

Heard I.A. No. 01 of 2022 for condonation of delay.

There is a delay of about 1264 days in filing Civil Review No.
231 of 2022.

2. Sufficient cause has not been shown in support of
condonation of delay in filing Civil Review No. 231 of 2022.



Like dates and events have not been apprised. Therefore, the review petitioners have not made out a case so as to condone the delay of about 1264 days. Recently, the Hon'ble Supreme Court in the case of ***State of Madhya Pradesh Vs. Ramkumar Choudhary*** decided in ***[SLP (C) Diary No.48636 of 2024]*** on November 29, 2024 read with ***H. Guruswamy & Ors. Vs. A. Krishnaiah***, reported in ***2025 SCC OnLine SC 54*** have laid down the principles in paragraphs-13 to 17 under what circumstances litigation are to be dismissed on the ground of delay. Paragraphs-13 to 17 are read as under:

“13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High courts that the concepts such as “liberal approach”, “Justice oriented approach”, “substantial justice” should not be employed to frustrate or jettison the substantial law of limitation.

14. We are constrained to observe that the High Court has exhibited complete absence of judicial conscience and restraints, which a judge is expected to maintain while adjudicating a lis between the parties.

15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

16. The length of the delay is definitely a relevant



matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. 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.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time."

3. Taking note of the aforementioned principles, the appellants have not made out a case so as to condone the delay of about 1264 days in filing Civil Review No. 231 of 2022.

4. Accordingly, I.A. No. 01 of 2022 stands dismissed.



Civil Review No. 231 of 2022:

5. Resultantly, Civil Review No. 231 of 2022 stands dismissed.

6. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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