

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.578 of 2022

In
Civil Writ Jurisdiction Case No.12818 of 2001

-
-
1. The State of Bihar.
 2. The Chief Secretary, Government of Bihar, Patna.
 3. The Finance Secretary, Government of Bihar, Patna.
 4. The Secretary, Department of Animal Husbandry, Government of Bihar, Patna.
 5. The Director, Department of Animal Husbandry, Government of Bihar, Patna.
 6. The Deputy Director, Department of Animal Husbandry, Government of Bihar, Patna.

... .. Appellant/s

Versus

Kapildeo Sharma S/o Late Permanand Singh, R/o Vill- Kutri, PO.- Naromurar, PS- Warisaliganj, District- Nawada at present working on the Post of Press Operator in Animal Husbandry Information and Broad Casting Services, Bihar, Patna situated at Polo Ground, PS- Gardanibagh, Dist- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Majid Mahboob Khan, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 25-06-2025

Re: I.A. No. 01 of 2022

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

There is a delay of about 4 year and 91 days in filing L.P.A. No.

578 of 2022. It is State LPA.

2. Filing of belated LPA on behalf of the State has



been deprecated by 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. Further, it is taken note of the contents of the application for condonation of delay. Reasons are assigned vaguely not with reference to particulars of the dates except the file movement. Therefore, appellants have not made out a case so as to condone the enormous delay of about 4 year and 91 days in filing L.P.A. No. 578 of 2022. The principle laid down by the Hon'ble Supreme Court in the cited decision aptly applicable to the case in hand.

4. Accordingly, I.A. No. 01 of 2022 stands rejected with cost of Rs. 5000/-. Cost shall be remitted in the Lawyers' Association Welfare Benevolent Fund, Indian Bank, Branch-LNMI, Bailey Road, Patna, IFSC No. IDIB000L501 having Bank Account No. 7801893276 within a period of six weeks.



L.P.A. No.578 of 2022

5. Resultantly, L.P.A. No. 578 of 2022 stands dismissed.
6. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2025
Transmission Date	NA

