



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

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CM-7999-C-2022 in/and  
RSA-2311-2022 (O&M)  
Date of Decision: 16.10.2025

Shree Sanatam Dharam High School Bhiwani      ...Applicant-Appellant  
V/s

Dharam Pal and others      ...Respondents

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present:      Mr. Manoj Kaushik, Advocate, for the applicant-appellant.

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**VIKRAM AGGARWAL, J**

**CM-8000-C-2022**

Prayer in the present application preferred under Section 151 CPC is for condonation of delay of 204 days in re-filing the appeal.

Heard.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The delay of 204 days in re-filing the appeal is condoned.

**CM-7999-C-2022 in/and**  
**RSA-2311-2022**

Prayer in the present application preferred under Section 5 of the Limitation Act, 1963 is for condonation of delay of 2462 days in filing the appeal.

2.      It has been averred in the application that earlier an appeal (RSA-4421-2014) was filed by the applicant-appellant-society. However, the said appeal was dismissed as withdrawn with liberty to file a fresh appeal in accordance with law vide order dated 15.07.2015 (Annexure A-1). It has been averred that after withdrawal of the said appeal, the appellant-society was



looking for a new counsel to draft and file the fresh appeal and an Advocate was agreed to be engaged by the President of the respondent-society for filing the appeal, but the appeal was not filed. It has been further averred that the earlier President of the respondent-Society sent a number of communications and emails during 29.11.2017 to 27.08.2019 to the said Advocate requesting him to file the appeal. It has been alleged in the application that despite the said Advocate having received the payment, did not file the appeal. It has been further averred that in March 2020, lock down was imposed and on account of that, the appeal could not be filed between March 2020 to 15.06.2020. It has been averred that under the circumstances, the delay of 2462 days in filing the appeal occurred.

3. I have heard learned counsel for the applicant-appellant.
4. Learned counsel for the applicant has strenuously urged that matters should be decided on merits and parties should not be non-suited on technicalities. Under the circumstances, learned counsel prays that the application for condonation of delay of 2462 days in filing the appeal be allowed.
5. I have considered the submissions made by learned counsel for the applicant-appellant.
6. The respondent-plaintiff had earlier filed Civil Suit No.536 on 02.09.1987 against the appellant-defendant. The said suit was withdrawn on 02.02.1996, in which the appellant-defendant along with others filed a counter claim seeking declaration that the respondent-plaintiff (running through Om Parkash and others) was a fictitious body and having no existence and the appellant-defendant (Sanatam Dharam High School) was owner in possession of the suit property (fully described in the plaint). The appellant had also filed



a Civil Suit No.750-1944. The dispute pertains to the management control of Shree Sanatam Dharam High School.

7. Parties led their respective evidence.

8. The counter claim filed by the appellant-defendant along with Civil Suit No.750-1994 were dismissed by the Court of Civil Judge (Sr. Divn.), Bhiwani vide judgment and decree dated 30.09.2009. Both parties filed their respective appeals against the judgment and decree dated 30.09.2009 and both appeals were dismissed by the first appellate Court vide judgment and decree dated 20.03.2013, leading to filing of the present regular second appeal by the counter-claimant-defendant.

9. The present application was filed after a period of more than 6½ years of the dismissal of the appeal by the first appellate Court, the exact delay being 2462 days.

10. Before advertng to the merits of the case, it would be essential to examine the law on the issue.

11. As per Section 5 of the Limitation Act, if sufficient cause is shown for not preferring an appeal or an application (other than an application under the provisions of Order XXI CPC) within the prescribed period, the same may be admitted after the prescribed period as well. It is by now well settled that the Courts have to adopt a liberal approach while dealing with an application for condonation of delay. It is also well settled that normally, parties should be heard on merits and should not be non-suited on technicalities. In the case of *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy and others* (2013)12 SCC 649, the Hon'ble Apex Court culled out the principles with regard to condonation of delay:-

***“From the aforesaid authorities the principles that can broadly be culled out are:***



- (i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.*
- (ii) The terms "sufficient cause" should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact-situation.*
- (iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.*
- (iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.*
- (v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.*
- (vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.*
- (vii) The concept of liberal approach has to en-capsule the conception of reasonableness and it cannot be allowed a totally unfettered free play.*
- (viii) There is a distinction between inordinate delay and a delay of short duration or few days, for to the former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.*
- (ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.*
- (x) If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.*
- (xi) It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.*
- (xii) The entire gamut of facts are to be carefully scrutinised and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.*
- (xiii) The State or a public body or an entity representing a collective cause should be given some acceptable latitude."*



12. Still further, in the case of ***Basawaraj and another v. Special Land Acquisition Officer 2013 (14) SCC 81***, the Hon'ble Supreme Court of India was dealing with a judgment of the High Court of Karnataka wherein the appeals filed by the appellants had been dismissed on the ground of limitation. In this case also, the Hon'ble Apex Court examined as to what would amount to a sufficient cause as defined under Section 5 of the Limitation Act. It was held that 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. It was held that whether or not sufficient cause had been shown, could be decided on the facts of a particular case and no straitjacket formula was possible. In this case, there was a delay of 5 ½ years in filing the appeal and the High Court of Karnataka had dismissed the appeals on the ground of limitation. The Hon'ble Apex Court, after examining the facts of the case and law on the subject, declined to interfere in the decision of the Karnataka High Court and, therefore, rejected the appeals. It was held by the Hon'ble Apex Court as under:-

***“9. Sufficient cause is the cause for which defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the view point of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained***



*inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the Court concerned to exercise discretion for the reason that whenever the Court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose.(See: Manindra Land and Building Corporation Ltd. v. Bhootnath Banerjee & Ors., AIR 1964 SC 1336 ; Lala Matadin v. A. Narayanan, AIR 1970 SC 1953 ; Parimal v. Veena @ Bharti, 2011(2) RCR (Civil) 155 : 2011(1) Recent Apex Judgments (R.A.J.) 611 and Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai, AIR 2012 SC 1629.*

10. *In Arjun Singh v. Mohindra Kumar, AIR 1964 SC 993 this Court explained the difference between a "good cause" and a "sufficient cause" and observed that every "sufficient cause" is a good cause and vice versa. However, if any difference exists it can only be that the requirement of good cause is complied with on a lesser degree of proof that of "sufficient cause".*

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(2) RCR (Civil) 361 ; and Ram Nath Sao @ Ram Nath Sahu & Ors. v. Gobardhan Sao & Ors., 2002(2) RCR (Civil) 337.*

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. 24, p. 181:*

*"330. Policy of 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. State Bank of India Staff Assn., 2005(4) RCR (Civil) 334 : (2005) 7 SCC 510 Rajendar Singh & Ors. v. Santa Singh & Ors., AIR 1973 SC 2537 and Pundlik Jalam Patil v. Executive Engineer, Jalgaon Medium Project, (2008) 17 SCC 448*



**14. In P. Ramachandra Rao v. State of Karnataka, 2002(2) RCR (Criminal) 553, 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 A. R. Antulay v. R.S. Nayak, 1992(2) RCR (Criminal) 634 .”**

13. 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 the period of limitation. In case a party is found to be negligent, or for want of *bona fides* 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.

14. Reverting to the facts of the present case, only imaginary grounds have been taken in the application. The averments made in the application read as under:-

**“...2. That the appellant has earlier filed RSA No.4421-2014 against the presently impugned judgments and decrees; but vide order dated 15.07.2015 (Annexure A-1) passed by this Hon'ble court, the appellant/ society was permitted to withdraw the abovementioned RSA with liberty to file fresh RSA in accordance with law.**

**3. That thereafter when this order was conveyed to the appellant/ society, there arose a need to find a fresh lawyer to draft & file the fresh**





*RSA, as permitted by this Hon'ble court and then after a lot of search, the earlier President (Sh. Bejoy Chirimar) agreed to engage Mr. Akshay Kumar Goel Advocate practicing in Punjab & Haryana High Court Chandigarh for filing the fresh RSA; but even after paying an amount of Rs.85,000/-to him, the fresh RSA was never finalized or filed.*

*4. That then Sh. Bejoy Chirimar (earlier President) sent numerous emails to the lawyer copies of those 15 conversations/email correspondences are being attached as Annexure A-2, which took place between the Sh. Bejoy Chirimar and Mr. Akshay Kumar Goel Advocate since 29.11.2017 to 27.08.2019; wherefrom it is quite apparent that there has been a long and continuous delay in filing the fresh appeal, at the instance of the advocate (Mr. Akshay Kumar Goel Advocate).*

*5. That when the appellant/society felt that there was something wrong and for whatever reason Mr. Akshay Kumar Goel Advocate was not intending to file the fresh RSA, even after receiving an amount of Rs.85,000/- as professional fees (which has been paid through NEFT transactions into his SBI Chandigarh bank account no.55024585835) and further the details of conduct of Mr. Akshay Kumar Goel Advocate, can clearly be examined by this Hon'ble court, by perusal of the emails conversations which took place since 29.11.2017 to 27.08.2019 (Annexure A-2).*

*6. That vide last email dated 27.08.2019 the then President Sh. Bejoy Chirimar conveyed to Mr. Akshay Kumar Goel Advocate, that he should return the professional fee with interest as he has failed in performing his professional obligations and thereafter the appellant society started searching for a new advocate for filing of the fresh appeal and in this process some further time was spent and now in the month of March 2020 the present advocate has been contacted by the appellant society through Sh. Bejoy Chirimar and then the present fresh RSA has been drafted after detailed discussions, thereafter there has been some further delay, especially because the COVID-19 Pandemic situation as the filing in this Hon'ble court was not being permitted since 23rd of March 2020 to 15th of June 2020.*

*7. Therefore the delay of 2462 days in filing the present appeal is neither intentional nor deliberate at the instance of the appellant/ society and the same has occurred because of the abovementioned circumstances which were not under the control of the appellant/society.*

*8. That after filing of the present fresh RSA vide Diary no. 4068507 dated 08.07.2020, during the process of registration of this fresh RSA, the then President Sh. Bejoy Chirimar has died and now the Appellant society is proceeding with this matter through it's present President i.e. Sh. Chand*



***Kumar Chirimar.”***

15. A bare perusal of the averments shows that the appeal was decided by the Court of District Judge, Bhiwani on 20.03.2013. As per the averments made in the application for condonation of delay of appeal, RSA-4421-2014, which had earlier been filed assailing the said judgment and decree in appeal, was withdrawn on 15.07.2015 with liberty to file a fresh RSA. Purportedly, an Advocate was engaged to file the said appeal and fee was also paid. Though the name of the Advocate and details of the fee find mention in the application, there is no proof of the said Advocate having been engaged immediately after the withdrawal of the appeal on 15.07.2015. The application, after the aforesaid averments, mentions about communication with the said Advocate since 29.11.2017 to 27.08.2019. However, there is no reference to any communication with the said Advocate between 15.07.2015 and 29.11.2017 i.e. for a period of almost 2 ½ years. Even after 27.08.2018, the appeal was filed in July 2020. It was incumbent upon the applicant-appellant to satisfactorily explain the reasons for the inordinate delay caused in filing the appeal. However, the application does not mention any such thing and in fact, there are huge gaps, for which no explanation is forthcoming. The application is totally misconceived and no cause much less sufficient cause has been shown for the inordinate delay of 2462 days in filing the appeal. No doubt, it has repeatedly been said that the parties should normally not be non-suited on mere technicalities and matters should be decided on merits. However, in the considered opinion of this Court, the time has come when such belated claims deserve to be rejected on the ground of delay as well. The Legislature, in its wisdom, has provided periods of limitation for everything. There is a provision for condonation of delay also but for the same, sufficient cause has to be shown.



16. As noted above, there is absolutely no sufficient cause shown in the application for condonation of the extraordinary delay of 2462 days in filing appeal.

17. That being so, the application for condonation of delay is found to be devoid of merit and is accordingly dismissed. Consequently, the appeal also stands dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)  
JUDGE

October 16, 2025

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Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No