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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 144/2025**

SUMIT KUMARAppellant
Through: Mr. Shrey Chathly, Adv.
versus
RAHUL & ORS.Respondents
Through: Mrs. Avnish Ahlawat, SC,
DTC with Mr. Nitesh
Kumar Singh, Ms. Aliza
Alam & Mr. Mohnish
Sehrawat, Advs.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
24.02.2025

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CM APPL. 11196/2025 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

**MAC.APP. 144/2025 & CM APPL. 11195/2025 (for
condonation of delay)**

3. CM APPL. 11195/2025 is filed under Section 5 of the Limitation Act, 1963 seeking condonation of a delay of 2095 days in filing the accompanying appeal against the order dated 28.02.2019 (hereafter '**impugned order**') passed by the learned Judge, MACT, Tis Hazari Court in MACT No. 364/2018.
4. By the impugned order, the learned Tribunal awarded compensation for a sum of ₹2,60,000/- to the appellant along with 9% interest per annum.
5. The learned counsel for the appellant submits that the appeal could not be filed within the period of limitation on account of the onset of COVID-19. Thereafter, it is stated that the appeal could not be filed because of the time taken for the collation of the documents and the preparation of the present
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appeal.

6. On being pointedly asked, the learned counsel for the appellant submits that the delay was neither intentional nor deliberate, and was caused due to inadvertence.

7. No other ground has been taken by the appellant to justify condonation of inordinate delay in filing the present appeal. In the opinion of this Court, no worthy explanation has been provided for not filing the accompanying appeal in time.

8. Even if the case of the appellant is taken at the highest, and it is assumed that the delay was not intentional, yet a period of 2095 days in filing the accompanying appeal cannot be held to be a reasonable delay. The parties must remain proactive in pursuing their rights and remedies, and cannot be allowed to neglect their rights for several years and then suddenly file an appeal. If the argument raised by the counsel for the appellant that the delay was caused due to inadvertence is accepted as a ground for condoning delay, the same would only open a floodgate of litigations where applications could be filed after several years only on the pretext of inadvertence.

9. It is well settled that while dealing with an application for condonation of delay under the Limitation Act, 1963 or any other similar statute, a liberal and justice-oriented approach must be adopted by the Courts, when 'sufficient cause' is shown by the applicant for not having filed the appeal within the period prescribed. In the present case, the explanations rendered in the application do not constitute sufficient cause for condoning the 2095 days delay in filing the present appeal, rather it reflects negligence on part of the applicant/ appellant.

10. In *Pathapati Subba Reddy v. LAO* : 2024 SCC OnLine SC 513, the Hon'ble Apex Court held that if applications for
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condoning inordinate delay are allowed, there would be no finality to the proceedings and litigations will be made immortal. The Hon'ble Court noted that the power to condone delay is discretionary in nature, and may not be exercised even in cases where sufficient cause is explained by the applicant and emphasised the need to draw an equilibrium between adopting a liberal approach and in implementing the statute of limitation, as it stands. The relevant portion of the judgement reads as under:

*“7.The law of limitation is founded on public policy. It is enshrined in the legal maxim “interest reipublicae ut sit finis litium” i.e. it is for the general welfare that a period of limitation be put to litigation. **The object is to put an end to every legal remedy and to have a fixed period of life for every litigation as it is futile to keep any litigation or dispute pending indefinitely.** Even public policy requires that there should be an end to the litigation otherwise it would be a dichotomy if the litigation is made immortal vis-a-vis the litigating parties i.e. human beings, who are mortals.*

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*12.In view of the above provision, the appeal which is preferred after the expiry of the limitation is liable to be dismissed. The use of the word ‘shall’ in the aforesaid provision connotes that the dismissal is mandatory subject to the exceptions. Section 3 of the Act is peremptory and had to be given effect to even though no objection regarding limitation is taken by the other side or referred to in the pleadings. In other words, it casts an obligation upon the court to dismiss an appeal which is presented beyond limitation. This is the general law of limitation. The exceptions are carved out under Sections 4 to 24 (inclusive) of the Limitation **Act but we are concerned only with the exception contained in Section 5 which empowers the courts to admit an appeal even if it is preferred after the prescribed period provided the proposed appellant gives ‘sufficient cause’ for not preferring the appeal within the period prescribed.** In other words, the courts are conferred with discretionary powers to admit an appeal even after the expiry of the prescribed period provided the proposed appellant is able to establish ‘sufficient cause’ for not filing it within time. **The said power to condone the delay or to admit the appeal preferred after the expiry of time is discretionary in nature and may not be exercised even if sufficient cause is shown based upon host of other factors such as negligence, failure to exercise due diligence etc.***

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*16.**Generally, the courts have adopted a very liberal approach in construing the phrase ‘sufficient cause’ used in Section 5 of***



the Limitation Act in order to condone the delay to enable the courts to do substantial justice and to apply law in a meaningful manner which subserves the ends of justice. In Collector, Land Acquisition, Anantnag and Ors. vs. Katiji and Ors.², this Court in advocating the liberal approach in condoning the delay for 'sufficient cause' held that ordinarily a litigant does not stand to benefit by lodging an appeal late; it is not necessary to explain every day's delay in filing the appeal; and since sometimes refusal to condone delay may result in throwing out a meritorious matter, it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate, it ought to be condoned. Notwithstanding the above, howsoever, liberal approach is adopted in condoning the delay, existence of 'sufficient cause' for not filing the appeal in time, is a condition precedent for exercising the discretionary power to condone the delay. **The phrases 'liberal approach', 'justice-oriented approach' and cause for the advancement of 'substantial justice' cannot be employed to defeat the law of limitation so as to allow stale matters or as a matter of fact dead matters to be revived and re-opened by taking aid of Section 5 of the Limitation Act.'**

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23. In *Basawaraj and Anr. vs. Special Land Acquisition Officer*, this Court held that the discretion to condone the delay has to be exercised judiciously based upon the facts and circumstances of each case. The expression 'sufficient cause' as occurring in Section 5 of the Limitation Act cannot be liberally interpreted if negligence, inaction or lack of bona fide is writ large. **It was also observed that even though limitation may harshly affect rights of the parties but it has to be applied with all its rigour as prescribed under the statute as the courts have no choice but to apply the law as it stands and they have no power to condone the delay on equitable grounds.**

(emphasis supplied)

11. In view of the above, this Court finds no ground to condone the delay in filing the accompanying appeal. The application is therefore dismissed.

12. Consequently, the appeal is dismissed on the ground of being barred by limitation.

AMIT MAHAJAN, J

FEBRUARY 24, 2025