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

+ **C.R.P. 68/2025**

RAKESH BHARDWAJPetitioner

Through: Ms. Jyoti Babbar, Adv.

versus

VIPUL GAUR & ANR.Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **03.03.2025**

CM APPL. 12568/2025 (*exemption from filing original / certified copies / clear copies / typed copies/ copies with proper margins of annexures*)

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

C.R.P. 68/2025 & CM APPL. 12567/2025 (*stay*), **CM APPL. 12569/2025** (*condonation of delay of 47 days in filing the present revision petition*)

3. By the present petition, the petitioner challenges the order dated 31.08.2024 (hereafter '**impugned order**'), passed by the learned District Judge-03, South-East District, Saket Courts, New Delhi, in CS DJ No. 112/2020, whereby the application filed by the petitioner under Order VII Rule 11 of the Code of Civil Procedure, 1908 (**CPC**) was dismissed.

4. The present petition is filed belatedly. The petition is also supported with an application (CM APPL. 12569/2025) under Section 5 of the Limitation Act, 1963 read with Section 151 of the CPC, seeking condonation of delay of 47 days in filing the present petition.

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5. It is settled that a revision petition challenging the order passed by the learned Trial Court is required to be filed within a period of 90 days.

6. The impugned order was passed way back on 31.08.2024 and the present petition, as per the petitioner, was filed on 31.01.2025 though it is taken up for consideration for the first time today, that is, on 03.03.2025.

7. The only reason stated in the application for seeking condonation of delay is that the mother of the learned counsel for the petitioner had fallen ill, and that the learned counsel had to take care of her mother. Nothing else has been stated.

8. The ground taken, in the opinion of this Court, is not sufficient for condoning the delay.

9. It is common tendency of the litigant to put the blame of filing the case belatedly on the lawyer. The duty of the litigant to be vigilant of his own rights is not diluted on assigning the case file to a lawyer. The issue cannot be allowed to remain hanging taking a ground that the lawyer, despite being asked, failed to take steps. Rights accrued in favour of one party cannot be reopened on such cursory grounds.

10. On being pointedly asked, it is informed that the plaintiff evidence has since been completed and the matter is now listed for defendant evidence.

11. Much water has also flown since passing of the impugned order.

12. In accordance with Section 5 of the Limitation Act, 1963, any appeal or application may be admitted beyond the prescribed period of limitation provided that there exists 'sufficient cause' that prevented the party from approaching the Court within the



period of limitation.

13. The Hon'ble Apex Court, in a very recent case of **H. Guruswamy v. A. Krishnaiah** : 2025 SCC OnLine SC 54, observed as under:

“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.”

(emphasis supplied)

14. Upon a consideration of the totality of circumstances, this Court finds no reason to condone the delay.

15. The present petition is, therefore, dismissed on the ground of delay. Pending applications also stand disposed of.

AMIT MAHAJAN, J

MARCH 3, 2025/‘KDK’

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