



2025:DHC:10398-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(COMM) 473/2025, CM APPL. 50974/2025 &
50975/2025
M/S MANOJ DRY CLEANERS PROPRIETORSHIP OF MR.
FEKAN RAJAKAppellant

Through: Mr. Vinay Rathi, Adv.

versus

PUNJAB NATIONAL BANKRespondent
Through: Mr. Santosh Kumar Rout, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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21.11.2025

C. HARI SHANKAR, J.

1. This is a commercial appeal preferred under Section 13 of the Commercial Courts Act, 2015, challenging the judgment and decree dated 26.05.2023 of the learned District Judge (Commercial Court)-03, South-West, Dwarka Courts, with a delay of 729 days.

2. The application seeking condonation of delay avers thus:

“2. That the appellant was supposed to file the accompanying appeal within limitation (period of 60 days as per Commercial Courts Act). The appellant applied the Certified copies of Impugned Judgment and decree dated 26.05.2023 on 01.06.2023 and received on 26.06.2023. In pursuance of the same, the period of around 26 days ought to be excluded while calculating the limitation period. Therefore, the limitation was extended upto 21.08.2023 for filing the accompanying appeal. In view of the same, the present appeal is filed with delay of 729 days.

3. The applicant submits that after receiving the certified copies of the impugned Judgement and Decree, he approached



office of DHCLSC in the month of July 2023 for appointment of legal aid lawyer as the appellant was not in a position to engage private counsel and on 18.07.2023, a legal aid counsel was appointed for filing RFA (Comm.) on behalf of appellant. However, due to unreasonable circumstances, the earlier legal aid counsel was unable to file appeal within prescribed time for the reasons best known to him.

4. That due to non-filing of appeal by the earlier legal aid counsel, the appellant again approached the office of DHCLSC and asked for change of counsel. On 09.06.2025, the present legal aid counsel was appointed for appellant to pursue the case of appellant. Due to Summer vacations, the appellant met the present counsel on 05.07.2025 and apprised about the case. Owing to the circumstances and after receiving entire documents from the appellant in the corresponding time, the appeal was drafted by the present counsel and filed before this Hon'ble court on 18/08/2025, It is quite evident that the delay in filing the accompanying appeal is neither intentional nor deliberate and thus circumstantial. That by allowing the present application no prejudice will be caused to either party.

5. That if the present application is not allowed the appellant will suffer an irreparable injury which cannot be compensated in terms of money.”

3. In commercial appeals, we are bound by the dictum of the Supreme Court, as laid down in *Government of Maharashtra v Borse Brothers Engineers and Contractors Pvt Ltd*¹ and *Thirunagalingam v R. Lingeswaran*², which clearly hold that the period of limitation in such cases has to be strictly applied and that there has to be a valid cause for condonation of delay beyond the statutorily permitted period.

4. In the present case, no such cause is forthcoming.

¹ (2021) 6 SCC 460

² (2025) SCC Online SC 1093



5. The appellant avers that, on 18 July 2023, a Counsel had been appointed by the Delhi High Court Legal Services Committee³ to prosecute his case. For the period from 18 July 2023 till 9 June 2025, there is no explanation whatsoever. It appears that in June 2025, the appellant again approached the DHCLSC who appointed the present legal aid counsel.

6. The Supreme Court has commented, recently, on whether such inordinate delays can be condoned on the ground of laxity of Counsel. It has specifically been held by the Supreme Court that parties are expected to follow up the matter with the Counsel and cannot merely plead negligence of the Counsel as a ground to condone long periods of delay. We may reproduce, for context, the following passage from *Rajneesh Kumar v Ved Prakash*⁴:

“10. It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief.”

7. The delay in the present case is not of a short period. The delay is of 729 days, of which, even between 18 July 2023 and 9 June 2025,

³ “DHCLSC” hereinafter

⁴ 2024 SCC OnLine SC 3380



there is a delay of almost two years. There is no explanation for the said delay.

8. We are conscious of the fact that this is a legal aid matter and that, therefore, some degree of latitude is permissible. In legal aid matters, the Court can justifiably be benevolent when dealing with delay in approaching the legal aid authorities, obtaining Counsel who would represent the litigant, and other such unavoidable delays. However, once a Counsel had been appointed by the DHCLSC for the appellant, it was, thereafter, for the appellant to follow up with the Counsel and ensure that the matter was filed in time.

9. We also note, in this context, that the appellant has been running a dry-cleaning proprietorship. It is not, therefore, as though the appellant was not in a position to follow up with the Counsel.

10. Given the fact that this is a commercial appeal and given the position of law as expounded in *Borse Bros*, we are of the opinion that no case of condonation of delay is made out.

11. Accordingly, the application is dismissed. The appeal also stands dismissed on the ground of delay without entering into merits.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 21, 2025/rjd