

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.225 of 2019

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Prashidh Narain Kishore Singh, Son of Late Chandradeo Singh, Resident of
Village-Dharupur, Police Station-Bikramganj, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Rohtas, Post Office and Police
Station-Sasaram, District-Rohtas.
2. The Circle Officer, Bikramganj, Police Station-Bikramganj, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Bihari Singh, Advocate
For the Respondent/s : Mr. Uday Shankar Sharan Singh, GP-19

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
CAV ORDER

12 06-05-2026 Heard the learned counsel for the petitioner and

learned counsel for the Opposite Parties.

2. The present Civil Revision application has been preferred under Section 115 of the Code of Civil Procedure, 1908, (hereinafter referred to as ‘CPC’) challenging the legality and propriety of the order dated 14.08.2019 passed by the learned District Judge, Rohtas, Sasaram (hereinafter referred to as ‘Appellate Court’) in Title Appeal No. 82 of 2013 whereby and whereunder, the learned Appellate Court allowed the application filed by the State under Section 5 of the Limitation Act, 1963 (hereinafter referred to as ‘Act’) and condoned an extraordinary delay of about 22 years in filing the appeal, thereby admitting the same for hearing on merits. The petitioner,



being aggrieved, has approached this Court seeking interference in revisional jurisdiction.

3. The facts of the case in brief is that the Title Suit No. 96 of 1982/147 of 1990 was instituted by the father of the present petitioner seeking declaration of title and confirmation of possession along with permanent injunction in respect of the suit property. The said suit was contested and ultimately decreed in favour of the plaintiff by judgment and decree dated 02.05.1991, which forms part of the record as Annexure-1. It is not disputed that the judgment was delivered in the presence of the Government Pleader representing the State authorities. Despite the decree having attained finality, the State did not prefer any appeal within the prescribed period of limitation. After a lapse of more than two decades, the State filed Title Appeal No. 82 of 2013 along with an application under Section 5 of the Act, which is available as Annexure-2, seeking condonation of delay of about 22 years. The explanation furnished therein was that the State had no knowledge of the judgment and decree until 03.09.2013, when a copy of the writ petition was received by the Circle Officer.

4. The petitioner entered appearance in the appeal and filed objection dated 09.06.2014, brought on record as



Annexure-3, specifically disputing the correctness of the grounds taken for condonation. It was asserted that the State had full knowledge of the judgment since the Government Pleader was present at the time of its pronouncement and that the plea of lack of knowledge was wholly false and untenable. Initially, the Appellate Court, by order dated 23.06.2015 (Annexure-4), admitted the appeal subject to consideration of limitation at the stage of final hearing. The said order was challenged before this Court in C.W.J.C. No. 11843 of 2015, which was disposed of on 09.04.2019 (Annexure-5) by setting aside the order of admission and remitting the matter back to the Appellate Court for fresh consideration on the question of limitation.

5. Pursuant to the remand, the Appellate Court reheard the matter and by the impugned order dated 14.08.2019, condoned the delay and admitted the appeal, leading to the present revision.

6. Learned counsel appearing on behalf of the petitioner had meticulously submitted that the impugned order suffers from grave illegality, perversity, and non-application of judicial mind. It is submitted that the delay of approximately 22 years in filing the appeal is not only inordinate but is wholly unexplained and lacks *bona-fides*. According to the counsel for



the petitioner, the entire foundation of the State's application under Section 5 of the Act rests on a false and misleading plea that the authorities had no knowledge of the judgment and decree dated 02.05.1991 until 03.09.2013. It is submitted that this contention stands completely demolished from the records themselves.

6.i. Learned counsel for the petitioner further submitted that the judgment in the original suit was delivered in the presence of the Government Pleader representing the State. In such circumstances, the knowledge of the Government Pleader must be imputed to the State authorities in law. It is urged that a litigant, particularly the State, cannot disown the knowledge of its own counsel and thereafter take advantage of its internal lapses or administrative inefficiencies. The plea of lack of knowledge, therefore, is not only legally untenable but also factually incorrect. It is further contended that the petitioner has brought on record cogent documentary evidence which conclusively establishes prior knowledge of the decree on the part of the State authorities. Specific reference has been made to the application dated 04.09.1992 filed by the petitioner's father before the Circle Officer, which forms part of Annexure-7, wherein a copy of the judgment and decree was enclosed and a



request was made for issuance of rent receipts. According to the counsel for the petitioner, this document clearly demonstrates that the concerned revenue authorities were duly informed about the decree soon after its pronouncement. It is contented that this vital piece of evidence has neither been denied specifically by the State nor has it been properly considered by the appellate court.

6.ii. Learned counsel for the petitioner has further submitted that the explanation sought to be furnished by the State, namely the death of the conducting Government Pleader, is wholly misconceived and insufficient. It is pointed out that the said Government Pleader is stated to have died in the year 2005, which is nearly 14 years after the passing of the judgment. Therefore, even if such plea is accepted, it does not explain the inaction of the State during the period from 1991 to 2005, nor does it justify the delay thereafter. The explanation, thus, fails to cover the entire period of delay and cannot be regarded as “sufficient cause” within the meaning of Section 5 of the Act. It is also contented that the conduct of the State clearly reflects gross negligence, lack of due diligence, and absence of *bona-fides*. According to the learned counsel for petitioner the delay appears to be a calculated attempt to reopen a matter which had



attained finality decades ago, only after the petitioner initiated proceedings for enforcement of his rights. It is also submitted such conduct ought not to be encouraged by the Courts.

6.iii. Placing reliance on the decision of the Hon'ble Apex Court in *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy (2013) 12 SCC 649*. Learned counsel has contended that while a liberal approach may be adopted in certain cases, the same cannot be extended to condone inordinate delay caused by negligence or lack of *bona-fides*. It is further urged that in *P.K. Ramachandran v. State of Kerala(1997) 7 SCC 556*, the Hon'ble Apex Court has categorically held that the law of limitation cannot be diluted on equitable considerations and must be applied with its full rigor.

7. Per contra, learned counsel appearing on behalf of the Opposite Parties has supported the impugned order and submitted that the learned Appellate Court has exercised its discretion judiciously and in accordance with settled principles of law. It is contended that the delay, though substantial, was neither deliberate nor intentional but occurred due to administrative lapses and lack of proper communication within the governmental machinery. Further, it is also submitted that the State came to know about the judgment and decree only on



03.09.2013 when a copy of the writ petition filed by the petitioner was received in the office of the Circle Officer. Immediately thereafter, the State took prompt steps to obtain certified copies of the judgment and decree and filed the appeal without any further delay. It is thus contended that there was no willful negligence or deliberate inaction on the part of the State.

7.i. Learned counsel for the Opposite Parties has also emphasized that the delay was occasioned due to the death of the appearing Government Pleader, who was handling the case at the trial stage. It is submitted that due to his demise, the outcome of the suit could not be communicated to the concerned authorities, resulting in the delay and such circumstances constitute sufficient cause within the meaning of Section 5 of the Act. It has further been submitted that courts should adopt a pragmatic and justice-oriented approach while dealing with applications for condonation of delay, particularly when the State is a party. Learned counsel for the Opposite Party placed reliance on the decision of the Hon'ble Apex Court in ***Collector Land Acquisition v. Mst. Katiji AIR 1987 SC 1353***, wherein it has been held that substantial justice should prevail over technical considerations and that a litigant should not be denied an opportunity of hearing on merits merely on account of delay.



7.ii. Learned counsel for the Opposite Parties has also submitted that certain amount of discretion is permissible in cases involving the State, having regard to the impersonal nature of its functioning and the procedural complexities involved in decision-making. It is contended that refusal to condone the delay in the present case would result in grave injustice, as the State would be deprived of an opportunity to contest the matter on merits. It is further submitted that the revisional jurisdiction of this Court is limited in scope and does not permit re-appreciation of facts or substitution of discretion exercised by the appellate court, unless the impugned order is shown to be perverse or without jurisdiction. Learned counsel for the opposite parties lastly submitted that, the order under challenge does not suffer from such infirmities and, therefore, does not warrant interference.

8. The core issue that arises for determination in this revision is *whether the learned appellate court was justified in condoning an inordinate delay of 22 years in filing the appeal by the State in absence of sufficient and satisfactory explanation?*

9. This Court has carefully considered the submissions advanced on behalf of the parties, perused the



materials available on record, and examined the impugned order in the light of the settled principles governing condonation of delay. At the outset, it must be observed that the delay in the present case is not of a routine or marginal nature but extends to an extraordinary period of approximately 22 years. Such an inordinate delay, by its very nature, attracts a stricter degree of judicial scrutiny. The law of limitation, though procedural, is founded upon sound public policy, ensuring finality in litigation and preventing stale claims from being resurrected after long lapses of time. Therefore, while courts may adopt a liberal approach in appropriate cases, such discretion cannot be extended to condone gross negligence, inaction, or lack of bona fides.

10. In *Basawaraj and Anr. v. Special Land Acquisition Officer (2013) 14 SCC 81*, the Hon'ble Apex 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 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.

“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.”

“15. 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 limitation. In case a party is found to be negligent, or for want of bona fide 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.”

11. Shivamma (Dead) by LRs v. Karnataka Housing

Board & Ors. (Arising out of Special Leave Petition (C) No.

10704 of 2019 dated 12.09.2025. The two-Judge Bench

comprising **Justice J.B. Pardiwala and Justice R. Mahadevan**

observed,

“... as is manifest from the entire discussion above, for the purpose of condonation of delay in terms of Section 5 of the Limitation Act, the delay has to be explained by establishing the existence of “sufficient cause” for the entirety of the period from when the limitation began till the actual date of filing. In other words, if the period of limitation is 90-days, and the appeal is filed belatedly on the 100th day, then explanation has to be given for the entire 100-days.”

“As such, under Section 5 of the Limitation Act, for the purpose of seeking condonation of delay in filing of an appeal or application, as the case may be, beyond the stipulated period of limitation, the delay in the filing has to be explained by



demonstrating the existence of a “sufficient cause” that resulted in such delay for both the prescribed period of limitation as-well as the period after the expiry of limitation, up to actual date of filing of such appeal or application, as the case may be, or to put it simply, explanation has to be given for the entire duration from the date when the clock of limitation began to tick, up until the date of actual filing, for seeking condonation of delay by recourse to Section 5 of the Limitation Act.”

12. The principal ground taken by the opposite parties for condonation of delay is that it had no knowledge of the judgment and decree dated 02.05.1991 until 03.09.2013. This plea, upon close examination, does not withstand judicial scrutiny. The records clearly indicate that the judgment in the original title suit was delivered in the presence of the Government Pleader representing the State. It is a well-settled principle of law that the knowledge of an advocate engaged by a party is deemed to be the knowledge of the party itself. The State, being a litigant represented through its counsel, cannot be permitted to disown such knowledge and subsequently plead ignorance as a ground for condonation of delay. Acceptance of such a plea would not only undermine the sanctity of judicial proceedings but also set a dangerous precedent.

13. Moreover, the materials brought on record by the petitioner lends further credence to the fact that the State



authorities were aware of the decree long prior to the year 2013. The application dated 04.09.1992, which forms part of Annexure-7 series, demonstrates that the petitioner's father had approached the Circle Officer by enclosing a copy of the judgment and decree and seeking issuance of rent receipts. This document assumes significant evidentiary value, as it establishes communication of the decree to the concerned authorities within a reasonable time after its pronouncement. Notably, this assertion has not been specifically denied by the State in its counter affidavit, thereby attracting an adverse inference.

14. The explanation sought to be furnished by the State regarding the death of the conducting Government Pleader also fails to inspire confidence. It is an admitted position that the said Government Pleader died in the year 2005, which is nearly 14 years after the judgment was delivered. Even if such circumstance is taken into account, it does not explain the inaction on the part of the State during the substantial period between 1991 and 2005. Furthermore, there is no satisfactory explanation for the delay even after the year 2005 until the filing of the appeal in 2013. The explanation, thus, neither covers the entire period of delay nor establishes sufficient cause as required under law.



15. This Court is also constrained to observe that the conduct of the State reflects a lack of due diligence and institutional accountability. The State, as a litigant, is expected to act with a higher degree of responsibility and cannot take shelter under bureaucratic delays or administrative inefficiencies. The plea that the matter could not be pursued due to internal lapses does not constitute a legally acceptable ground for condonation of such prolonged delay.

16. The learned appellate court, while allowing the application under Section 5 of the Act, appears to have been swayed by general observations made in certain decisions of the Hon'ble Apex Court emphasizing a liberal approach. However, the learned Appellate Court has failed to apply those principles to the specific facts of the present case. The discretion vested in a court under Section 5 of the Act is to be exercised judiciously and not arbitrarily. It is incumbent upon the court to record a finding that sufficient cause has been shown for the entire period of delay. In the present case, the reasoning assigned by the learned Appellate Court is cursory and does not reflect a proper appreciation of the material facts and evidence on record.

17. In this context, the principles laid down in *Esha Bhattacharjee v. Managing Committee of Raghunathpur*



Nafar Academy (supra) assume significance, wherein the Hon'ble Apex Court has cautioned that liberal approach cannot be equated with a license to condone delay in a routine manner, particularly when there is absence of *bona-fides*. Similarly, in *P.K. Ramachandran v. State of Kerala (supra)*, it has been held that courts cannot extend the period of limitation merely on equitable grounds in the absence of sufficient cause. Though reliance has been placed by the State on *Collector Land Acquisition v. Mst. Katiji (supra)*, it must be noted that the said judgment does not lay down an absolute proposition that delay must invariably be condoned in all cases involving the State. The liberal approach advocated therein is conditioned upon the existence of a *bona-fide* explanation and absence of gross negligence. In the present case, both these elements are conspicuously absent.

18. Another aspect which cannot be lost sight of is that the decree in question had attained finality long back and rights had accrued in favour of the petitioner. Permitting the State to reopen such a matter after more than two decades would seriously prejudice the petitioner and defeat the very purpose of limitation law. The concept of finality in litigation is an essential facet of the rule of law and cannot be lightly disturbed.



19. In light of the foregoing discussion, this Court is of the considered view that the State has failed to establish sufficient cause for condonation of the inordinate delay. The impugned order, therefore, suffers from material irregularity and illegality in the exercise of jurisdiction and warrants interference under Section 115 of the CPC.

20. Accordingly, the present Civil Revision No. 225 of 2019 is allowed. The order dated 14.08.2019 passed by the learned District Judge, Rohtas at Sasaram in Title Appeal No. 82 of 2013 is hereby set aside. The application filed by the State under Section 5 of the Act stands dismissed and as a consequence, the Title Appeal No. 82 of 2013 is dismissed as barred by limitation.

21. There shall be no order as to costs.

(Ramesh Chand Malviya, J)

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