**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**First Appeal No.68 of 2026**
**With**
**I.A. No.16117 of 2025**
**------**

Sunny Kumar @ Sunny Kumar Paswan, aged about 35 years, son of Late Lakhan Paswan @ Late Lakhan Manjhi, resident of Village-Tati, P.O. & P.S.-Kuru, District-Lohardaga

**.... .... Plaintiff/Appellant**

**Versus**

Rina Devi, aged about 32 years, wife of Sunny Kumar @ Sunny Kr. Paswan and daughter of Shyam Narayan Ram, resident of Village-Tati, P.O. & P.S.-Kuru, District-Lohardaga

**.... .... Defendant/Respondent**

**CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**
**HON'BLE MR. JUSTICE AKHIL KUMAR**
**------**

For the Appellant : Mr. Ashim Kr. Sahani, Advocate
For the Respondent : Mr. Krishna Kumar Bhatt, Advocate
**------**

**09/Dated: 05.11.2026**

***Per Sujit Narayan Prasad, J.***

***Prayer***

**1.** The instant appeal preferred under Section19(1) of the Family Courts Act, is directed against the judgment dated 30.04.2024 (Decree sealed and signed on 06.05.2024) passed in Original Suit No.38 of 2023 by the learned Principal Judge Family Court, Lohardaga, whereby and whereunder, the Suit filed by the appellant-husband under Section 13(1)(i-a)(i-b) of the Hindu Marriage Act, 1955 and under Section 7 of the Family Court, has been dismissed on contest.

## I.A.No.16117 of 2025

**2.** The instant appeal is barred by inordinate delay of 252 days, therefore, an application for condoning the aforesaid delay has been

filed being I.A.No.16117 of 2025.

**3.** This Court, after taking into consideration the fact that the instant appeal has been filed after inordinate delay of 252 days, deems it fit and proper, to first consider the delay condonation application before going into the legality and propriety of the impugned order on merit.

**Submission of the learned counsel for the appellant**

**4.** Mr. Ashim Kr. Sahani, learned counsel for the appellant has submitted that the present appeal has been filed after delay of 252 days and for condonation of such delay, an interlocutory application under Section 5 of the Limitation Act, 1963 being I.A. No.16117 of 2025 has been filed by the appellant-husband.

**5.** It has been contended by the learned counsel for the appellant by referring to paragraph-5 of the interlocutory application that the appellant is a member of Force and on account of his posting, he was not present in the district of Lohardaga at the time when the judgment was passed.

**6.** It has further been contended by referring to paragaphs-6 to 9 that the appellant was having no knowledge about the result of the suit and after some time, he has obtained the certified copy of the impugned judgment and decree from his counsel appeared in the suit and then again, he came to Ranchi in December 2024. After taking the advice, the appellant decided to prefer this appeal. The appellant again came to Ranchi and consulted the lawyer who

advised him to collect the other documents like pleadings and evidence and accordingly, he has approached the learned counsel at Lohardaga who provided him the other relevant documents and thereafter, the appellant handed over the said documents to the present counsel only on 15.03.2025 through his mother.

**7.** Learned counsel, based upon the aforesaid grounds, therefore, has submitted that the cause which has been shown in the instant interlocutory application said to be sufficient cause, and as such, it is a fit case where the delay in filing the instant appeal may be condoned.

**Submission of the learned counsel for the respondent**

**8.** While, on the other hand, Mr. Krishna Kumar Bhatt, learned counsel for the respondent, has vehemently opposed the issue of condoning the delay on the basis of sufficient cause shown in the instant interlocutory application.

**9.** According to him, an explanation which has been furnished in the instant application, cannot be said to be sufficient cause, reason being that, the time which has been consumed in obtaining the relevant documents is without assigning any plausible and cogent reasons for belated filing of the appeal.

**10.** It has been contended that the ground raised for condoning the delay is bereft of any foundational facts and substance, more particularly, in view of the fact that the original suit was decided on contest then how could he states that he was having no knowledge

about the result of the suit.

**11.** It has further been contended that the ground as has been taken that the appellant being a member of force posted outside the Lohardaga was not informed by this counsel as engaged by him, is nothing but a lame excuse just to circumvent the provision of the Limitation Act.

**12.** It has been submitted that the law is well settled that the delay can be condoned in filing the appeal, subject to availability of sufficient cause if has been shown on behalf of the litigant concerned but the statement made cannot be said to be sufficient cause as stated in the interlocutory application.

**Analysis**

**13.** We have heard the learned counsel for the parties and gone through the rival submissions made on behalf of the parties particularly the reason which has been shown in the instant interlocutory application for the purpose of condoning the delay of 252 days.

**14.** This Court, before appreciating the reason which has been shown in the instant interlocutory application, needs to refer the definition of “sufficient cause”.

**15.** It also requires to refer herein that what is the meaning of ‘sufficient cause’. The consideration of meaning of ‘sufficient cause’ has been made in ***Basawaraj & Anr. Vrs. Spl. Land Acquisition Officer, [(2013) 14 SCC 81]***, wherein, it has been held by the

Hon'ble Apex Court at paragraphs 9 to 15 hereunder:-

> *"**9.** Sufficient cause is the cause for which the 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 viewpoint 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 Corpn. Ltd. v. Bhutnath Banerjee [AIR 1964 SC 1336] , Mata Din v. A. Narayanan [(1969) 2 SCC 770 : AIR 1970 SC 1953] , Parimal v. Veena [(2011) 3 SCC 545 : (2011) 2 SCC (Civ) 1 : AIR 2011 SC 1150] and Maniben Devraj Shah v. Municipal Corpn. of Brihan*

*Mumbai [(2012) 5 SCC 157 : (2012) 3 SCC (Civ) 24 : 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 than 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) 1 SCC 535 : AIR 2002 SC 100] and Ram Nath Sao v. Gobardhan Sao [(2002) 3 SCC 195 : AIR 2002 SC 1201] .)*

***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. 28, p. 266:*

*"605. Policy of the 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. SBI Staff Assn. [(2005) 7 SCC 510] , Rajender Singh v. Santa Singh [(1973) 2 SCC 705 : AIR 1973 SC 2537] and Pundlik Jalam Patil v. Jalgaon Medium Project [(2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907] .)*

***14.*** *In P. Ramachandra Rao v. State of Karnataka [(2002) 4 SCC 578 : 2002 SCC (Cri) 830 : AIR 2002 SC 1856] 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 Abdul Rehman*

> *Antulay v. R.S. Nayak [(1992) 1 SCC 225 : 1992 SCC (Cri) 93 : AIR 1992 SC 1701] .*
>
> ***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."*

**16.** Thus, it is evident that the 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 deliberately" 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 the ulterior purpose as has been held in ***Manindra Land and Building Corporation Ltd. Vrs. Bhootnath Banerjee & Ors., AIR 1964 SC 1336, Lala Matadin Vrs. A. Narayanan, (1969) 2 SCC 770, Parimal Vrs. Veena @ Bharti, (2011) 3 SCC 545 and Maniben Devraj Shah Vrs. Municipal Corporation of Brihan Mumbai, (2012) 5 SCC 157.***

**17.** It has further been held in the aforesaid judgments 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, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible, reference in this regard may be made to the judgment rendered by the Hon’ble Apex Court in ***Ram Nath Sao @ Ram Nath Sahu & Ors. Vrs. Gobardhan Sao & Ors., (2002) 3 SC 195***, wherein, at paragraph-12, it has been held as hereunder:-

> *“**12.** Thus it becomes plain that the expression “sufficient cause” within the meaning of Section 5 of the Act or Order 22 Rule 9 of the Code or any other similar provision should receive a liberal construction so as to advance substantial justice when no negligence or inaction or want of bona fides is imputable to a party. In a particular case whether explanation furnished would constitute “sufficient*

> *cause" or not will be dependent upon facts of each case. There cannot be a straitjacket formula for accepting or rejecting explanation furnished for the delay caused in taking steps. But one thing is clear that the courts should not proceed with the tendency of finding fault with the cause shown and reject the petition by a slipshod order in over-jubilation of disposal drive. Acceptance of explanation furnished should be the rule and refusal, an exception, more so when no negligence or inaction or want of bona fides can be imputed to the defaulting party. On the other hand, while considering the matter the courts should not lose sight of the fact that by not taking steps within the time prescribed a valuable right has accrued to the other party which should not be lightly defeated by condoning delay in a routine-like manner. However, by taking a pedantic and hypertechnical view of the matter the explanation furnished should not be rejected when stakes are high and/or arguable points of facts and law are involved in the case, causing enormous loss and irreparable injury to the party against whom the lis terminates, either by default or inaction and defeating valuable right of such a party to have the decision on merit. While considering the matter, courts have to strike a balance between resultant effect of the order it is going to pass upon the parties either way."*

**18.** Further, the Hon'ble Apex Court in ***Ramlal, Motilal and Chhotelal Vrs. Rewa Coalfields Ltd., (1962) 2 SCR 762***, has held that merely because sufficient cause has been made out in the facts of the given case, there is no right to the appellant to have delay condoned. At paragraph-12, it has been held as hereunder:-

> *"**12.** It is, however, necessary to emphasise that even after sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the court by Section 5. If sufficient cause is not proved nothing further has to be done; the application for condoning delay has to be dismissed on that ground alone. If sufficient cause*

*is shown then the court has to enquire whether in its discretion it should condone the delay. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage that diligence of the party or its bona fides may fall for consideration; but the scope of the enquiry while exercising the discretionary power after sufficient cause is shown would naturally be limited only to such facts as the court may regard as relevant. It cannot justify an enquiry as to why the party was sitting idle during all the time available to it. In this connection we may point out that considerations of bona fides or due diligence are always material and relevant when the court is dealing with applications made under Section 14 of the Limitation Act. In dealing with such applications the court is called upon to consider the effect of the combined provisions of Sections 5 and 14. Therefore, in our opinion, considerations which have been expressly made material and relevant by the provisions of Section 14 cannot to the same extent and in the same manner be invoked in dealing with applications which fall to be decided only under Section 5 without reference to Section 14. In the present case there is no difficulty in holding that the discretion should be exercised in favour of the appellant because apart from the general criticism made against the appellant's lack of diligence during the period of limitation no other fact had been adduced against it. Indeed, as we have already pointed out, the learned Judicial Commissioner rejected the appellant's application for condonation of delay only on the ground that it was appellant's duty to file the appeal as soon as possible within the period prescribed, and that, in our opinion, is not a valid ground.*

**19.** Thus, it is evident that while considering the delay condonation application, the Court of Law is required to consider the sufficient cause for condonation of delay as also the approach of the litigant as to whether it is bona fide or not as because after expiry of the period of limitation, a right is accrued in favour of the other side and as such, it is necessary to look into the bona fide motive of the litigant and at the same time, due to inaction and laches on its part.

**20.** This Court, after considering the aforesaid proposition of law and the explanation furnished in the delay condonation application to condone the inordinate delay of 252 days, is proceeding to examine as to whether the explanation furnished can be said to be sufficient cause for condoning the delay.

**21.** It is evident from the judgments referred hereinabove, wherein, expression ‘sufficient cause’ has been dealt with which 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 deliberately” or “remained inactive”.

**22.** Adverting to the reason which has been shown in the instant interlocutory application as stated at paragraphs-5 to 10, we have gone through the said statements and found therefrom that day to day delay in not filing the appeal, has not been referred therein, rather, it has only been stated that the appellant was having no

knowledge about the result of the suit and the time has been consumed in obtaining the relevant documents, for ready reference, paragraphs-5 to 10 of the instant interlocutory application are being referred as under:-

> *"5) That the appellant is a member of Force. On account of his posting, he was not present in the district of Lohardaga at the time when the judgment was passed.*
>
> *6) That the appellant was not informed by the learned counsel appearing on behalf of the appellant in the suit in time. However, the appellant could come to know about the result of the suit belatedly in November 2024.*
>
> *7) That thereafter the appellant obtained the certified copy of the impugned judgment and decree from his counsel appearing in the suit and then again he came to Ranchi in December 2024.*
>
> *8) That after takin advice, the appellant decided to prefer this appeal.*
>
> *9) That accordingly the appellant again came to Ranchi and consulted the lawyer who advised him to collect the other relief and documents like pleadings and evidence that accordingly the appellant approached the learned counsel at*

*Lohardaga who provided the other relevant documents and then the appellant handed over the said documents to the present counsel only on 15.3.2025 through his mother.*

*10) That thereafter the memo appeal was prepared and the same could be filed on 15.04.2025."*

**23.** It needs to refer herein that the appellant is husband who has filed the suit against his wife/defendant for a decree of divorce on the ground of cruelty and desertion, which has been refused to be granted in favour of the appellant-husband.

**24.** The law is well settled that the delay can be condoned, subject to showing the sufficient cause. "Sufficient cause" has been defined, as per the interpretation given by the Hon'ble Apex Court in the judgments referred hereinabove and considering the reason/ explanation furnished therein, this Court is of the view that the cause of delay which has been shown in filing the appeal, cannot be said to be sufficient cause for the purpose of condoning the delay.

**25.** This Court, after taking into consideration the ratio laid down by the Hon'ble Apex Court in the judgments referred hereinabove, as also, the explanation furnished in the delay condonation application therefore, is of the view that no sufficient cause has been shown to condone the inordinate delay of 252 days in filing the appeal.

**26.** Accordingly, interlocutory application being I.A. No.16117 of 2025 stands dismissed.

**27.** In consequence thereof, the instant appeal also stands dismissed.

**28.** Pending interlocutory application(s), if any, stands disposed of.

**(Sujit Narayan Prasad, J.)**

**(Akhil Kumar, J.)**

05.11.2026.
Rohit/-**A.F.R.**