IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 55 of 2026
ODHC010957902025

State of Odisha and others .... ***Appellants***

Mr. Saswat Das, Additional Government dvocate

-versus-

Sakuntala Parahi .... ***Respondent***

Mr. Rama Krishna Bisoi, Advocate

CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE CHITTARANJAN DASH

ORDER
09.11.2026

Order No.

I.A. No.162 of 2026 & W.A. No.55 of 2026

01. **1.** The instant Interlocutory Application is filed for condonation of an enormous delay of 506 days in preferring this writ appeal beyond the period of limitation provided therefor.

2. The judgment sought to be challenged in the instant writ appeal was passed on 9th July, 2024 and an approach was made to the Health and Family Welfare Department, Government of Odisha for their views, whether the said order is worth challenging to a Division Bench in an intra-Court appeal.

3. Paragraph-3 of the instant Interlocutory Application does not reveal any explanation between 9th July, 2024 and 20th June, 2025, when the appellant No.3 alleged to have submitted the records in the office of the Advocate General. It is a cardinal principle of law that the condonation of delay under Section 5 of the Limitation Act, 1963 is not an absolute or inchoate right but depends upon the quality of the explanations so offered therein, which would constitute the cause to be sufficient. While invoking the powers under Section 5 of the said Act, the Court cannot overlook the provisions contained under Section 3 thereof and, therefore, the Court has to harmonize both the provisions in order to strike equilibrium between the rights of the parties.

4. We are further conscious that the length of the delay is immaterial rather, what is seminal in this regard is the sufficiency of the cause shown by the litigants approaching the Court belatedly. Even the delay of a longer period may be condoned, provided there is a plausible explanation offered in the said application; on the other hand, the delay of a shorter period may not be condoned in absence thereof. If the application is bereft of any explanation far to speak of sufficient explanation, there is no fetter on the part of the Court to

dismiss the application, as a litigant who was sleeping in a slumber cannot receive the blessings of the Court by taking a lenient approach.

5. In the instant case, the facts narrated in paragraph- 3 of the instant application do not contain any satisfactory explanation warranting invocation of power under Section 5 of the Limitation Act. Apart from the same, slew of writ petitions were filed before this Court raising the identical and similar point. One of such matters went to the Division Bench of this Court in an intra-Court appeal being W.A. No.1867 of 2025 ***(State of Odisha and another v. Jhunita Behera)*** decided on 27th February, 2026, wherein the Division Bench of this Court not only took into consideration the delay aspect but also entered into the merit and ultimately did not find the stand of the appellants to be such, which warrants interference.

6. The said judgment dated 27th February, 2026 passed in the said appeal was assailed before the Supreme Court in Special Leave Petition Diary No.36691 of 2026. The Apex Court, after taking into consideration the merit as well, declined to interfere with the order of the Division Bench by dismissing the said Special Leave Petition.

7. From whatever angle we look at, do not find any ground or explanation so offered for condonation of the aforementioned delay in filing the instant writ appeal.

8. Accordingly, the Interlocutory Application for condonation of delay is dismissed. Consequently, the instant writ appeal is also dismissed.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

Signature Not Verified
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Signed by: SUMANTA BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Nov-2026 11:12:30

S. Behera