YOGESH TIWARI
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CGHC010274692024 2026:CGHC:45996

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 4114 of 2024

1 - Mahettar Ram Sahu S/o Lt. Mannu Lal Sahu Aged About 68 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

2 - Fudru Sahu S/o Lt. Mannu Lal Sahu Aged About 63 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

3 - Roopchand Sahu S/o Lt. Mannu Lal Sahu Aged About 38 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

4 - Smt. Munni Bai @ Rajkumari Sahu D/o Lt. Mannu Lal Sahu Aged About 56 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

5 - Yogesh Kumar Sahu S/o Lt. Munna Sahu Aged About 29 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

6 - Rohit Kumar Sahu S/o Lt. Munna Sahu Aged About 28 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

7 - Gopi Kumar Sahu S/o S/o Lt. Munna Sahu Aged About 27 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

8 - Smt. Shahina Bai @ Sohin Sahu W/o Lt. Munna Lal Sahu Aged About 56 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

9 - Sundar Lal Sahu S/o Lt. Gannu Sahu Aged About 48 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

10 - Maniram Sahu S/o Lt. Gannu Sahu Aged About 43 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

11 - Smt. Deva Bai @ Devbati Sahu W/o Lt. Gannu Sahu Aged About 73 Years R/o Village Doonda, Old Dhamtari Road, P/s Mujgahan, Tehsil And District Raipur (C.G.)

... Petitioners

versus

1 - Board Of Revenue Bilaspur Chhattisgarh Circuit Court Raipur Through President, At - Near Raj Bhawan, G.E. Road, Raipur, (C.G.)

2 - State Of Chhattisgarh Through Collector Raipur, At - Collectorate Parisar, Raipur (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioners	**:**	Mr. Vinay Nagdev, Advocate (through VC)
For State	**:**	Mr. Amit Nayak, Panel Lawyer

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

30.10.2026

1. By filing the present writ petition, the petitioners assail the order dated 09.04.2024 passed by respondent No. 1/Board of Revenue in Revenue Case No. RN/14/R-A-6/65/2024, whereby the revision preferred against the order passed by the Commissioner, Raipur Division, rejecting their appeal as barred by limitation, has been dismissed. The petitioners have prayed for following relief(s) :-

> "*1. The Court may kindly be pleased to pass appropriate writ(s)/order(s) and quash the*

order of P/1 dated 09.04.2024 and restore the first appeal filed u/s 44 of the CG LRC before the Court of the concerned Commissioner in the interest of justice.

2. Any other relief/direction that the Court may deem fit in the facts and circumstances of the case."

2. Mr. Vinay Nagdev, learned counsel for the petitioners submits that the petitioners had preferred an appeal under Section 44 of the Chhattisgarh Land Revenue Code against the order dated 24.07.2023 passed by the Collector, Raipur, rejecting their application for correction of the revenue map in respect of the subject property situated at Village Dunda, Tehsil and District Raipur. However, the Commissioner dismissed the appeal on the ground that it was barred by limitation by 32 days and that no plausible explanation had been furnished for the delay. Learned counsel further submits that, against the said order, the petitioners preferred a revision before the Board of Revenue, which was also dismissed vide the impugned order dated 09.04.2024, holding that the delay of 32 days had not been satisfactorily explained.

3. It is further submitted by Mr. Nagdev that the delay in filing the appeal was neither deliberate nor mala fide but had occurred due to bona fide circumstances. After the matter was reserved for consideration by the Collector, the petitioners were under the impression that the order would be duly communicated to them, as assured by the concerned court staff. It was only when they visited

the Collector's Court in October 2023 that they came to know of the order dated 24.07.2023, whereupon they immediately applied for a certified copy and, after obtaining the same, preferred the appeal. Learned counsel contends that the authorities below failed to appreciate these circumstances and adopted an overly technical approach instead of adopting a justice-oriented approach to determine whether sufficient cause existed for condoning the delay, thereby depriving the petitioners of an opportunity to have their appeal adjudicated on merits.

4. Per contra, Mr. Amit Nayak, learned State counsel opposes the submissions made by learned counsel for the petitioners and submits that the Commissioner, Raipur Division, after considering the application for condonation of delay and the explanation furnished by the petitioners, has rightly dismissed the appeal as barred by limitation. It is contended that the petitioners themselves were parties to the proceedings before the Collector and, therefore, it was incumbent upon them to remain vigilant and keep track of the proceedings. Merely contending that they were unaware of the order dated 24.07.2023 and came to know about the same only upon visiting the Collector's Court in October 2023 cannot constitute a sufficient explanation for the delay in preferring the appeal. The petitioners have also failed to satisfactorily explain as to why they did not make any inquiry regarding the outcome of the proceedings for such a considerable period. It is further submitted by Mr. Sharma that the Board of Revenue, while

exercising revisional jurisdiction, has duly considered the explanation furnished by the petitioners and found that the delay of 32 days in preferring the appeal was not satisfactorily explained. He further submits that the requirement of furnishing sufficient cause for condonation of delay cannot be dispensed with merely on the ground that the petitioners seek adjudication of their appeal on merits. Since the authorities below have passed their respective orders after considering the material available on record and no illegality or jurisdictional error is demonstrated therein, the impugned order does not warrant interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution of India. Hence, the writ petition deserves to be dismissed.

5. Having heard learned counsel for the parties and upon perusal of the material available on record, it is apparent that the petitioners had preferred an appeal under Section 44 of the Chhattisgarh Land Revenue Code against the order dated 24.07.2023 passed by the Additional Collector, Raipur, along with an application under Section 5 of the Limitation Act, seeking condonation of delay of 32 days in filing the appeal. The petitioners had assigned reasons for the delay, stating that after the matter was reserved for consideration by the Collector, they were under the bona fide impression that the order would be communicated to them. It was only upon visiting the Collector's Court on 11.10.2023, 12.10.2023 and 13.10.2023 that they came to know about the order dated

24.07.2023, whereupon they immediately applied for a certified copy and, after obtaining the same, preferred the appeal. However, the learned Commissioner, vide order dated 19.12.2023, rejected the application for condonation of delay, holding that the explanation furnished by the petitioners was not satisfactory and consequently dismissed the appeal as barred by limitation. The said order was thereafter assailed before the Board of Revenue by way of revision, which also came to be dismissed vide order dated 09.04.2024, substantially reiterating the reasoning assigned by the Commissioner and holding that the petitioners had failed to satisfactorily explain the delay of 32 days.

6. Having examined the impugned orders, this Court finds that the approach adopted by the authorities below is unduly technical and does not advance the cause of substantial justice. The explanation furnished by the petitioners for the delay could not have been discarded merely on the ground that they ought to have made inquiries regarding the status of the proceedings earlier.

7. It is well settled that the expression 'sufficient cause' under Section 5 of the Limitation Act is required to be construed in a pragmatic and justice-oriented manner and not by adopting a pedantic approach. The requirement that every day's delay must be explained does not mean that the Court should insist upon an elaborate explanation for each day's delay in a mechanical manner.

8. The Hon'ble Supreme Court, in the matter of ***Shivamma (Dead) by Lrs. v. Karnataka Housing Board and Others, 2025 SCC OnLine SC 1969***, while considering the principles governing condonation of delay under Section 5 of the Limitation Act, has reiterated that such applications are required to be considered with a liberal, lenient and justice-oriented approach so as to advance substantial justice between the parties. At the same time, the Court has clarified that a liberal approach does not dispense with the statutory requirement of demonstrating sufficient cause for the delay. The relevant observations made by the Hon'ble Supreme Court in paragraph 138 are reproduced hereinbelow:-

> "*138. When a Court of Law deals with an application to condone the delay filed under Section 5 of the Limitation Act, such application will have to be generally viewed in a liberal and lenient way to do substantial justice between the parties. Section 5 of the Limitation Act must be liberally construed and applied so as to advance substantial justice. It is undoubtedly true that a justice oriented approach is necessary while deciding application under Section 5 of Limitation. However, it cannot be said that in every case delay must necessarily be condoned. It is a condition precedent for Section 5 of the Limitation Act that there must be a sufficient reason for condoning the delay.*"

9. Reverting to the facts of the present case in the light of the principles laid down by the Hon'ble Supreme Court in ***Shivamma*** *(supra)*, it is quite vivid that the petitioners have furnished a plausible explanation for the delay of 32 days in preferring the

statutory appeal. Their explanation is that, after the matter was reserved for orders, they were under a bona fide impression that the order passed by the Collector would be duly communicated to them and it was only upon visiting the Collector's Court on 11.10.2023, 12.10.2023 and 13.10.2023 that they acquired knowledge of the order dated 24.07.2023. Thereafter, they took steps to obtain a certified copy and preferred the appeal. The explanation so furnished does not reflect any deliberate inaction, negligence or mala fide intention on the part of the petitioners to delay the proceedings. Furthermore, the delay involved is merely 32 days. In such circumstances, this Court is of the considered opinion that the explanation furnished by the petitioners constitutes sufficient cause within the meaning of Section 5 of the Limitation Act and that the application for condonation of delay ought to have been considered in a pragmatic and justice-oriented manner, rather than adopting an unduly technical approach.

10. The object of the provision is to enable the Courts and quasi-judicial authorities to adjudicate disputes on merits rather than non-suit a litigant on technical grounds. In the present case, the delay is only 32 days, and the petitioners have furnished an explanation which, in the facts and circumstances of the case, cannot be said to be wholly unreasonable or indicative of any deliberate or mala fide conduct. The authorities below ought to have adopted a pragmatic approach and considered the application for condonation of delay keeping in view the fact that

refusal to condone such delay would deprive the petitioners of an opportunity to have their statutory appeal adjudicated on merits. In the considered opinion of this Court, the explanation furnished by the petitioners constitutes sufficient cause for condonation of the delay.

11. Considering the overall facts and circumstances of the case, this Court is of the view that the orders dated 19.12.2023 passed by the Commissioner, Raipur Division, and 09.04.2024 passed by the Board of Revenue, Chhattisgarh, Bilaspur, cannot be sustained and are hereby set aside. Consequently, the delay of 32 days in preferring the appeal before the Commissioner is hereby condoned. The Commissioner, Raipur Division, is directed to restore the appeal to its original file and number and proceed to decide the same on its own merits, in accordance with law, after affording due opportunity of hearing to the parties.

12. Accordingly, the writ petition stands allowed. No order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh