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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**LPA-883-2026 (O&M)
Date of decision: 11.05.2026**

STATE OF PUNJAB AND ANOTHER

...Appellant(s)

VERSUS

AVTAR SINGH

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

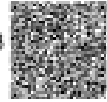
Present:- Ms. Shruti, Assistant Advocate General, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

CM-2206-LPA-2026

1. The present application has been filed under Section 5 of the Limitation Act, 1963 for condonation of delay of 658 days in filing the present appeal.

2. Ms. Shruti, Assistant Advocate General, Punjab submitted that there has been a delay of 658 days in filing the present Letters Patent Appeal and the present application has also been supported by an affidavit of the concerned authority. While referring to the grounds taken in the present application, she submitted that the learned Single Judge had decided the writ petition filed by the respondent on 23.04.2024 and thereafter, a legal opinion was sought from the Government and after about 11 months i.e. on 07.03.2025, it was so advised that the case was fit for filing an appeal. Thereafter, the matter

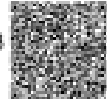


was sent for drafting of the Letters Patent Appeal, which was subsequently sent to the Government for approval. Various queries were thereafter raised with regard to the aforesaid draft Letters Patent Appeal and after answering the queries, the matter was again sent to the Government for approval. After following the aforesaid procedure, the present appeal was filed along with the present application. She submitted that the delay has been caused despite best efforts having been made to file the appeal within time and since the delay has not been caused due to any deliberate intention but because of the aforesaid procedural communications, the delay may be condoned.

3. We have heard the learned State counsel and have also perused the present application seeking condonation of delay, along with the affidavit.

4. There is a delay of 658 days in filing the Letters Patent Appeal. The applicant-appellant is the State of Punjab. A perusal of the grounds which have been taken in the application would show that it took about one year for the State to seek an opinion as to whether the case was fit for filing an appeal or not and after the opinion was received, still there was a further delay in answering the queries raised on the draft of Letters Patent Appeal and in this way, the delay has been caused because of interdepartmental communications for seeking advice and approvals etc.

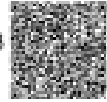
5. The law with regard to as to whether the aforesaid would constitute “sufficient cause” or not within the scope of Section 5 of the Limitation Act, 1963 especially when the applicant is the State or its instrumentality, is no longer *res integra*. Hon'ble Supreme Court in latest judgment in **Shivamma (Dead) by LRS versus Karnataka Housing Board and others, 2025 SCC**



OnLine SC 1969 observed that the administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay. The relevant portion of the aforesaid judgment is reproduced as under:-

*“261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. **Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout.** Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigation's due to its own lackadaisical attitude.*

*262. **The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy.** The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigation's, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as*



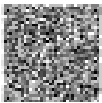
by doing so the courts only add insult to the injury, more particularly in appeals under section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigation's deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.”

(emphasis supplied)

6. In view of the aforesaid law laid down by Hon’ble Supreme Court and the grounds taken in the present application, this Court is of the considered view that the same would not constitute sufficient cause because the grounds which have been taken pertain to the procedural time consumed in seeking legal opinion and obtaining various sanctions at different stages, apart from the fact that the opinion for filing the Letters Patent Appeal was given for the first time after about one year and still a total period of 658 days has been consumed in filing the present Letters Patent Appeal. We are therefore unable to accept the submissions made by the learned State counsel and are of the considered view



that the aforesaid grounds would not constitute sufficient cause within the meaning of Section 5 of the Limitation Act.

7. Consequently, finding no merit in the present application seeking condonation of delay, the same is hereby dismissed.

8. Since the application filed under Section 5 of the Limitation Act seeking condonation of delay of 658 days in filing the appeal is dismissed, the main appeal bearing No.LPA-883-2026 also stands dismissed.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

11.05.2026
Chetan Thakur

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No