

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

RSA-1158-2024 (O&M)
Date of decision: 29.04.2026

Ammi

...Appellant

Versus

Dalmeer

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Mohammad Arshad, Advocate for the appellant.

DEEPAK GUPTA, J. (ORAL)

The present appeal has been preferred by the plaintiff assailing the judgment and decree dated 19.04.2007 passed by the learned Additional District Judge, Gurgaon, whereby the appeal filed by the defendant (*respondent herein*) was accepted and the judgment of the trial Court was set aside.

2. A perusal of the record reveals that the plaintiff–Ammi (appellant herein) had instituted a suit for specific performance of an agreement to sell dated 06.06.2002 along with consequential relief of permanent injunction. The suit was contested by the defendant. The learned trial Court, vide judgment and decree dated 19.12.2006, declined the relief of specific performance but partly decreed the suit by granting recovery of ₹1,50,000/- along with pendente lite and future interest.

3. Aggrieved against the said judgment, the defendant preferred an appeal, which came to be allowed by the learned First Appellate Court on 19.04.2007, resulting in dismissal of the plaintiff's suit in toto.

4. The present Regular Second Appeal has been filed along with an application bearing **CM-4537-C-2024** under Section 5 of the Limitation Act, seeking condonation of delay of 6215 days, i.e., more than 17 years, in



filing the appeal.

5. In the application, it has been averred that after obtaining certified copies of the impugned judgment and decree, the appellant had entrusted the matter to his earlier counsel, Mr. Naveen Kaushik, who allegedly assured that a Regular Second Appeal would be filed. It is further pleaded that the said counsel continued to mislead the appellant for several years by furnishing incorrect dates of hearing, thereby creating an impression that the appeal was pending adjudication, whereas in fact no appeal had been instituted. It is claimed that only later did the appellant discover that no appeal had been filed, which has resulted in the present delay.

6. Learned counsel for the appellant has contended that the delay is neither deliberate nor intentional, but occurred due to bona fide reliance upon the previous counsel, and therefore deserves to be condoned in the interest of justice.

7. This Court has considered the submissions made and perused the record with due care. The application, however, does not merit acceptance.

8. At the outset, it is to be noted that the delay involved is extraordinarily inordinate, spanning more than 17 years. The law under Section 5 of the Limitation Act mandates that the applicant must show “sufficient cause” for not preferring the appeal within the prescribed period. The expression “sufficient cause” has been consistently interpreted to mean a cause which is beyond the control of the party invoking the provision and which prevented him from taking timely steps with reasonable diligence.

9. In the present case, the explanation furnished by the appellant



is wholly vague and lacking in material particulars. Despite a specific query put by this Court, learned counsel for the appellant was unable to state as to when the appellant actually came to know that no appeal had been filed. This omission strikes at the root of the explanation, as the date of knowledge is a crucial factor in assessing whether the appellant acted with due diligence thereafter.

10. Equally significant is the admitted position that no action whatsoever has been taken by the appellant against the previous counsel, either before the Bar Council or before any other competent forum. If indeed the appellant had been misled for such an extraordinarily long period, the absence of any complaint or remedial action renders the explanation highly doubtful and unworthy of acceptance.

11. It is well settled that negligence or inaction on the part of a litigant cannot be condoned under the guise of liberal interpretation of “sufficient cause.” While courts do adopt a pragmatic approach in condoning delay, particularly to advance substantial justice, such latitude cannot be extended in cases of gross negligence, lack of bona fides, or absence of due diligence. The law of limitation is founded upon public policy to ensure finality in litigation, and cannot be rendered otiose by entertaining stale claims after decades.

12. Law of limitation has to be applied with all its rigour and courts have no power to extend limitation on equitable grounds where no sufficient cause is shown. A party cannot claim condonation of delay as a matter of right and must satisfactorily explain the entire period of delay.

13. In the present case, the appellant has utterly failed to explain the delay of 6215 days in a cogent, convincing and satisfactory manner. The explanation offered is not only deficient but also lacks credibility. The

conduct of the appellant reflects a complete absence of due diligence.

14. In view of the aforesaid facts and settled legal position, this Court is not inclined to condone the inordinate delay of more than 17 years in filing the present appeal.

15. Consequently, the application under Section 5 of the Limitation Act for condonation of delay is dismissed. As a necessary corollary, the Regular Second Appeal is also dismissed as being barred by limitation.

29.04.2026
Yogesh

(DEEPAK GUPTA)
JUDGE

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