



LPA-1454-2025 (O&M) and another connected case

-1-

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

Date of Decision: 11.05.2026

(1) LPA-1454-2025 (O&M)

State of Punjab

....Appellant(s)

Versus

Paramjit Singh

.....Respondent(s)

(2) LPA-1613-2025 (O&M)

State of Punjab

....Appellant(s)

Versus

Shakti Singh and Anr.

.....Respondent(s)

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

Present: Ms. Arundhati Kulshreshtha, Assistant Advocate General, Punjab.

**Mr. Gulshan Sharma, Advocate and
Mr. Arpanjyot Singh Virk, Advocate
for the respondent in LPA-1454-2025.**

**Mr. Arjun Pratap Atma Ram, Advocate with
Ms. Shreya Kaushik, Advocate
for respondent No.1 in LPA-1613-2025.**

JASGURPREET SINGH PURI, J. (Oral)

CM-3565-LPA-2025 in LPA-1454-2025

CM-3953-LPA-2025 in LPA-1613-2025

1. With the consent of learned counsel for both the parties, both cases are being taken up together for final disposal.

2. Applicant-State of Punjab has filed two separate applications

**LPA-1454-2025 (O&M) and another connected case****-2-**

under Section 5 of the Limitation Act seeking condonation of delay of 611 days in filing of the LPA-1454-2025 and delay of 629 days in filing of LPA-1613-2025.

3. Ms. Arundhati Kulshreshtha, Assistant Advocate General, Punjab, while referring to the application seeking condonation of delay of 611 days submitted that along with the application an affidavit was earlier filed, but later on vide order dated 05.03.2026 *prima facie* view was expressed that the State was not able to make out a case for condonation of delay and the State had prayed for some time to file an additional affidavit in this regard. Consequent whereupon, additional affidavit was filed by the appellant-State of Punjab dated 09.03.2026 giving the details as to how the aforesaid delay had occurred.

4. Learned counsel for the applicant/appellant while referring to the aforesaid affidavit submitted that in para No.4 of the affidavit the delay is explained to the effect that although earlier the Administrative Secretary had ordered to file Letters Patent Appeal against the impugned judgment but various objections were raised by OSD, Legal regarding the draft of Letters Patent Appeal. Thereafter, the draft was again put up after removal of the objections, but then there was an opinion of the Law Officer of the Advocate General, Punjab that the case was fit for filing of review application instead of Letters Patent Appeal, to which a clarification was sought as to whether Letters Patent Appeal should be filed or a review application should be filed and then as per the opinion of the Advocate General Office, it was found that it was a fit case for filing of review application and in this way the review application was filed on



21.03.2024 which was dismissed on 17.05.2024. Thereafter again the process of seeking legal opinion started and after various reminders being issued to get the legal opinion, it was received on 11.04.2025 that it was a fit case for filing of Letters Patent Appeal. The Letters Patent Appeal was in fact filed on 03.05.2025 and in this way it caused delay of total 611 days in filing of the present Letters Patent Appeal.

5. She submitted that the State of Punjab has acted in a *bona fide* manner in seeking opinion from both Administrative Secretary as well as from the office of the Advocate General, Punjab and in this regard much time was consumed in filing the present appeal. She also submitted that since the appeal has been filed by the State of Punjab, a liberal approach may be adopted, since at different levels, various opinions were required to be sought which consumed a lot of time, which was *bona fide* in nature.

6. Learned Assistant Advocate General, Punjab has referred to judgment of Supreme Court of India in “Sheo Raj Singh v/s Union of India and Anr.” (2023) 10 SCC 531 and also in “Inder Singh v/s The State of Madhya Pradesh” (2025) SCC Online SC 600 to contend that a liberal approach may be adopted when the appeal is to be filed by the State and also submitted that each and every case is to be dealt with according to the facts and circumstances of each and every case and no strict view can be taken with regard to the exercise of discretion by the appellate court as that discretion has to be tested on the anvil of substantial justice. She further submitted that in view of the above, the aforesaid delay may also be condoned.

**LPA-1454-2025 (O&M) and another connected case****-4-**

7. Learned Assistant Advocate General, Punjab has further submitted that from the aforesaid total period of 611 days, a total of 204 days were consumed in filing the review since the review was filed on 21.03.2024 but it was dismissed on 17.05.2024 but learned Single Judge had condoned the aforesaid delay of 204 days in filing of review application and therefore, the aforesaid time of 204 days may be excluded from the aforesaid period of 611 days. She submitted that after excluding the aforesaid period of 204 days, still undoubtedly, there was a delay of 351 days, thereafter i.e. about 1 year was consumed after dismissal of the review application till the filing of the Letters Patent Appeal which has been explained by way of a table in the affidavit for the time taken for legal opinion and for approval from the competent authority.

8. On the other hand, learned counsel appearing on behalf of respondent Mr. Gulshan Sharma, Advocate in LPA-1454-2025 submitted that the aforesaid delay of 611 days is not only a large delay but it is also unexplained and inordinate delay. He submitted that there is no doubt that for the purpose of seeking condonation of delay, reasons can always be assigned but the reasons are required to be cogent to show that the applicant was acting in a *bona fide* manner and the delay was on the basis of a sufficient cause within the ambit of Section 5 of Limitation Act. He submitted that however, in the present case no such sufficient cause was shown for such an inordinate large delay in this regard. He submitted that at the very first instance on 20.10.2023 i.e. within the period of about 2 ½ months of the judgment passed by learned Single Judge, the Administrative Secretary of the Department had ordered to file Letters

**LPA-1454-2025 (O&M) and another connected case****-5-**

Patent Appeal but no such Letters Patent Appeal was filed but thereafter they thought fit to file review application which was ultimately dismissed and submitted that in this way there was no *bona fide* on the part of the State. He also submitted that it is a settled law that for the purpose of condonation of delay in an appeal under Section 5 of Limitation Act, the time taken for pursuing a review application before the same Court cannot be considered as a ground for condonation of delay and therefore even if a total period of 204 days was consumed and thereafter even condoned by the learned Single Judge at the time of decision of the review application that itself cannot constitute a sufficient cause under Section 5 of the Limitation Act. He also submitted that be that as it may, even otherwise also the review was dismissed on 17.05.2024 and the present Letters Patent Appeal has been filed on 03.05.2025 i.e. after about 01 year even after the dismissal of the review application on which there was no explanation at all and the appellant being State cannot be exempted for the aforesaid reason and no such preference can be given to the State and rather it is the duty of the State to take decisions for filing of appeals if any and more responsibility is cast upon the State as compared to any individual.

9. He also submitted that even otherwise also the case of the respondent was covered by an earlier judgment of this Court which was ultimately upheld by Hon'ble Supreme Court and in case the delay is condoned then it will cause acute prejudice to the respondent. He submits that the application seeking condonation of delay may be dismissed.

10 Mr. Arjun Pratap Atma Ram, Advocate for respondent



respondent No.1 in LPA-1613-2025 supported the arguments raised by Mr. Gulshan Sharma, Advocate and also referred to various judgments of Hon'ble Supreme Court on the aforesaid proposition of law. He referred to latest judgment of Supreme Court of India in **"Shivamma (dead) by LRs v/s Karnataka Housing Board and Ors." (2025) SCC Online SC 1969** as well as in **"State of Odisha & Ors. v/s Managing Committee of Namatara Girls High School" (2026) SCC Online SC 191**. He further submitted that the applicant-State of Punjab cannot put the respondent to such disadvantage since the State of Punjab is rather to act in a more reasonable and prudent manner as compared to any individual litigant and submitted that it has been rather so laid down by the Supreme Court in the aforesaid **Shivamma's case (Supra)** in this regard.

11 We have heard the learned counsel for the parties in both the applications. In LPA-1454-2025 the total period of delay in filing of the Letters Patent Appeal is 611 days and in LPA-1613-2025 the total period of delay in filing of the Letters Patent Appeal is 629 days.

12. In both the cases review applications were filed and were dismissed by way of common order and delay of 204 days was condoned by the review court.

13. In order to appreciate the arguments raised by learned counsel for both the parties it would be relevant to reproduce the contents of the additional affidavits which have been filed by the State in support of the review applications for seeking condonation which have been done in a detailed manner by explaining the steps by which the aforesaid total period of delay was consumed. The aforesaid table in para No.4 of the


LPA-1454-2025 (O&M) and another connected case
-7-

affidavit of Gurpreet Singh Khaira, Secretary to Government of Punjab, Department of Justice, filed in response to CM-3565-LPA-2025 in LPA 1454-2025 is reproduced as under:-

Sr. No.	Dates	Events
1.	01.08.2023	CWP No.7099 of 1995 was decided.
2.	25.09.2023	Opinion regarding filing of review was received.
3.	16.10.2023	File put up for taking decision on filing of appeal.
4.	20.10.2023	Administrative Secretary ordered to file the LPA.
5.	06.11.2023	Objections raised by OSD(L) regarding draft of LPA.
6.	14.11.2023	Again put up after removal of objections.
7.	20.11.2023	Objections raised by OSD (L) regarding service records.
8.	23.11.2023	Again put up after removal of objections.
9.	07.12.2023	Objections raised by OSD (L) regarding the complete records still not available and regarding contradiction in the letter sent by AG office stating the case fit for filing LPA with the opinion of the Law Officer who had given the opinion that the case was fit for filing the review application.
10.	18.12.2023	Draft was sent for clarification regarding filing of LPA or review application.
11.	21.12.2023	Opinion received from AG office that the case was fit for filing a review application.
12.	04.01.2024	Objections raised by OSD (L) that draft of review not annexed.
13.	08.01.2024	Again sent to OSD (L) for vetting of the Review application and the same was vetted.
14.	10.01.2024	The approval for filing the review application along with the application of condonation of delay was granted by the Secretary.
15.	21.03.2024	Review application was filed along with the application of condonation of delay.
16.	17.05.2024	Review application was dismissed by the


LPA-1454-2025 (O&M) and another connected case
-8-

		<i>Hon'ble Court.</i>
17.	06.06.2024	<i>File moved for getting the Legal Opinion from AG office regarding filing of appeal against order dated 01.08.2023 and 17.05.2024.</i>
18.	13.06.2024	<i>A letter issued to AG office for getting Legal Opinion.</i>
19.	03.07.2024/ 04.04.2025	<i>Reminders were issued to get the Legal Opinion.</i>
20.	11.04.2025	<i>The Legal Opinion was received from the AG office stating the case fit for filing appeal. On the same day the draft of LPA was prepared.</i>
21.	21.04.2025	<i>Draft of LPA was approved by Additional Chief Secretary, Department of Justice, Punjab.</i>
22.	30.04.2025	<i>File moved for issuing authority letter to file LPA.</i>
23.	01.05.2025	<i>Authority letter approved by Additional Chief Secretary, Department of Justice, Punjab.</i>
24.	03.05.2025	<i>LPA was filed but objections were raised by the Registry of High Court.</i>
25.	13.05.2025	<i>After removal of objections, LPA was registered.</i>

14. The table in para No.4 of the affidavit of Gurpreet Singh Khaira, Secretary to Government of Punjab, Department of Justice, filed in response to CM-3953-LPA-2025 in LPA-1613-2025 is reproduced as under:-

Sr. No.	Dates	Events
1.	01.08.2023	<i>CWP No.8329 of 1993 was decided.</i>
2.	25.09.2023	<i>Opinion regarding filing of review was received.</i>
3.	16.10.2023	<i>File put up for taking decision on filing of appeal.</i>
4.	20.10.2023	<i>Administrative Secretary ordered to file the LPA.</i>
5.	06.11.2023	<i>Objections raised by OSD(L) regarding draft of LPA.</i>
6.	14.11.2023	<i>Again put up after removal of objections.</i>


LPA-1454-2025 (O&M) and another connected case
-9-

7.	20.11.2023	<i>Objections raised by OSD (L) regarding service records.</i>
8.	23.11.2023	<i>Again put up after removal of objections.</i>
9.	07.12.2023	<i>Objections raised by OSD (L) regarding the complete records still not available and regarding contradiction in the letter sent by AG office stating the case fit for filing LPA with the opinion of the Law Officer who had given the opinion that the case was fit for filing the review application.</i>
10.	18.12.2023	<i>Draft was sent for clarification regarding filing of LPA or review application.</i>
11.	21.12.2023	<i>Opinion received from AG office that the case was fit for filing a review application.</i>
12.	04.01.2024	<i>Objections raised by OSD (L) that draft of review not annexed.</i>
13.	08.01.2024	<i>Again sent to OSD (L) for vetting of the Review application and the same was vetted.</i>
14.	10.01.2024	<i>The approval for filing the review application along with the application of condonation of delay was granted by the Secretary.</i>
15.	21.03.2024	<i>Review application was filed along with the application of condonation of delay.</i>
16.	17.05.2024	<i>Review application was dismissed by the Hon'ble Court.</i>
17.	06.06.2024	<i>File moved for getting the Legal Opinion from AG office regarding filing of appeal against order dated 01.08.2023 and 17.05.2024.</i>
18.	13.06.2024	<i>A letter issued to AG office for getting Legal Opinion.</i>
19.	03.07.2024/ 04.04.2025	<i>Reminders were issued to get the Legal Opinion.</i>
20.	11.04.2025	<i>The Legal Opinion was received from the AG office stating the case fit for filing appeal. On the same day the draft of LPA was prepared.</i>
21.	21.04.2025	<i>Draft of LPA was approved by Additional Chief Secretary, Department of Justice, Punjab.</i>
22.	21.05.2025	<i>LPA was filed.</i>
23.	23.05.2025	<i>LPA was registered.</i>



15. The law with regard to seeking condonation of delay in appeals especially when the applicant seeking condonation of delay is the State or an instrumentality of the State is no longer *res integra*. The relevant portion of a latest judgment of Hon'ble Supreme Court in *Shivamma (Supra)* 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 litigations 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 litigations, 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 litigations 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)”

16. The relevant portion of the judgment in ***State of Odisha & Ors. (Supra)*** is reproduced as under:-

“20. We have found the State of Odisha to be utterly lethargic, tardy and indolent not only before the High Court but also before this Court. Notwithstanding that its appeal was dismissed as time-barred by the High Court, this Court has been approached by the State of Odisha four months after expiry of the period of limitation.

21. Condonation of delay cannot be claimed as a matter of right. It is entirely the discretion of the Court whether or not to condone delay. Despite all the latitude that is shown to a “State”, we are of the clear opinion that the cause sought to be shown here by the State of Odisha is not an explanation but a lame excuse. No case for exercise of discretion has been set up.”

17. The learned State counsel had referred to a judgment of Supreme Court in ***Sheo Raj Singh (Supra)*** to contend that it is a discretion of the Court in the facts and circumstances of each and every case and the discretion of the Court is to be tested on the anvil of the liberal and justice oriented approach expounded in various other decisions of the Supreme Court. In the aforesaid judgment it was so held that the condonation of delay being discretionary power available to Courts,



exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial. Sometimes, due to want of sufficient cause being shown or an acceptable explanation being preferred, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an 'explanation' and an 'excuse'. In other words in each and every case the explanation offered has to be considered. Similar view was taken in the judgment passed in ***Inder Singh (Supra)***. However we are of the considered view that there is no dispute with regard to the aforesaid proposition that there can be no straight jacket formula and each and every case has specifically its own facts and circumstances. Another judgment of Hon'ble Supreme Court in **"Pathapati Subba Reddy (Died) by Legal Representatives and Others vs. Special Deputy Collector (LA)"** **2024 SCC Online SC 513** laid down eight principles by providing harmonious construction to Section 3 and 5 of the Limitation Act, 1963. Relevant paragraph is reproduced as under:-

"28. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

28.1 Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

28.2 A right or the remedy that has not been exercised or



availed of for a long time must come to an end or cease to exist after a fixed period of time;

28.3 The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

28.4 In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

28.5 Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

28.6 Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

28.7 Merits of the case are not required to be considered in condoning the delay; and

28.8 Delay condonation application has to be decided on the parameters laid down for condoning the delay and



condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”

18. In the light of the law laid down by Hon’ble Supreme Court, with regard to the parameters to be kept in mind while considering the application for condonation of delay, this Court would now consider the facts of the present applications along with the aforesaid tables which have been reproduced above and form part of the present applications. A perusal of the aforesaid tables would show that after the learned Single Judge decided the writ petition on 01.08.2023 it was just after about 2½ months that the Administrative Secretary ordered to file the Letters Patent Appeal on 20.10.2023 and in this way a decision was rather taken to file the Letters Patent Appeal but again due to procedural aspects no such Letters Patent Appeal was filed and thereafter an opinion was given by some law officer for filing of review application and thereafter again a lot of time was consumed for filing of the review, which was filed on 21.03.2024 and the same was dismissed after about 2 months.

19. When the review was dismissed on 07.05.2024, still it took about one year for the State of Punjab to file the present Letters Patent Appeal i.e. on 03.05.2025 and for this period also there is no explanation at all and rather in the entire table which has been reproduced above the delay has been caused because of inter departmental communications seeking opinion and approvals etc.

20. The argument which has been raised by learned Assistant Advocate General with regard to exclusion of the time period consumed



for prosecuting review and the fact that the learned Single Judge had condoned the period of delay in filing the aforesaid review is unsustainable. The time consumed in prosecuting review does not fall within the expression ‘*sufficient cause*’ and the condonation of delay by the learned Single Judge for filing a review will have no effect on seeking condonation of delay in filing of the appeal. Orissa High Court in **“M/s Shivom Mineral Ltd. vs. M/s Bajrang Metalics Ltd.” (2024) AIR Orissa 17** which was assailed before Hon’ble Supreme Court by way of filing of ***Special Leave to Appeal (C) No(s).26493/2023*** which was dismissed, held that the time period taken for prosecuting review cannot become a ground for extension of time under Section 5 of Limitation Act. The relevant portion of the aforesaid is reproduced as under:-

“9. It is the settled position of law that if the party files an Appeal beyond the period of limitation and after expiry of the period of limitation specified therefor, when he satisfies that he had sufficient cause for not preferring the Appeal within the said period, the Court would lean in favour of condoning the delay having a liberal approach keeping the ultimate objective in mind that a party causing the delay does not make any substantial gain and also that finality of a lis on merit has the preference over the disposal on technical ground.

In the case at hand, when the Appellant (Defendant) had both the options before him to file the review petition and the Appeal, the Appellant (Defendant) having opted to



file the review petition and pursued the same till its disposal on merit and then being unsuccessful in that review petition when has filed the Second Appeal, the period spent after review move cannot be exempted by employing the provision of section 14 of the Limitation Act which comes into play under certain eventualities but certainly not like the present one. It is not the law that filing of a review petition arrests the running of the period of limitation for first appeal or second appeal till its disposal and it starts only after disposal of the review petition.

Therefore, the answer to the point that whether the Appellant (Defendant) can be said to have been prevented by the sufficient cause by not preferring the Appeal during the prescribed period, therefor, and filing the same after such long period spent in the review proceeding is a big 'NO'. The Appellant (Defendant) having resorted a legal remedy of seeking review as available at his option when as as per my earlier view, he could have very well filed an appeal thereafter, but has not done; thus he having waited to take the chance in review petition and then being unsuccessful therein, having filed this second Appeal, it cannot be said that he was prevented by sufficient causes from filing this Appeal within the time prescribed, therefor and in filing this Appeal after lapse of 4 years 10 months and 5 days."

21. Apart from the above, we are guided by the law laid down by



Hon'ble Supreme Court in the aforesaid judgment of *Shivamma (supra)* wherein it was held as reproduced above that 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. The Courts should not become surrogates for the State laxity and lethargy. It was further observed that the constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations wherein the fruits of their decrees or favourable orders are frustrated at later stages.

22. In view of the facts and circumstances, we are of the considered view that no ground is made out for condonation of delay and therefore, the applications for condonation of delay in both the cases are hereby dismissed. Since the applications seeking condonation of delay have been dismissed, the Letters Patent Appeals also stand dismissed.

23. Pending miscellaneous application(s), if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(AMARJOT BHATTI)
JUDGE

11.05.2026

Sunil Devi

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No