

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-1322-2026 (O&M)

RAJINDER KUMAR ALIAS RAJENDRA KUMARAppellant

vs.

THE NEW INDIA ASSURANCE CO. AND ORS.Respondents

Reserved on : 10.03.2026

Pronounced on: 17.03.2026

Uploaded on : 19.03.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. R.S. Malik, Advocate
for the appellant.

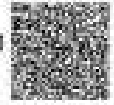
SUDEEPTI SHARMA J.

CM No. 4954-CII-2026

1. The present application under Section 5 of the Limitation Act, 1963 read with Section 151 CPC is filed for condonation of delay of 385 days in filing the appeal.

2. I have heard learned counsel for the applicant-appellant at length and, with his able assistance, carefully perused the whole file of this case.

3. Before examining the merits of the present application, it is pertinent to note the settled position that delay is not to be condoned as a matter of generosity or benevolence; the pursuit of substantial justice cannot come at the cost of prejudice to the opposite party.

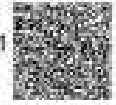


4. It is well settled by catena of judgments of the Hon'ble Supreme Court that the law of limitation is not a mere technicality but has substantive value, being founded on public policy. The Limitation Act, 1963 seeks to ensure that litigants approach the Court within a reasonable period and do not sleep over their rights. Though Section 5 of the Limitation Act empowers the Court to condone delay upon sufficient cause being shown, such discretion is neither automatic nor to be exercised as a matter of course. Reference at this stage can be made to judgment of Apex court in ***Maniben Devraj Shah v Municipal corporation of Brigham Mumbai 2012(5) SCC 157***, wherein it is held as under :

"The law of limitation is founded on public policy.

The Limitation Act, 1963 has not been enacted with the object of destroying the rights of the parties but to ensure that they approach the court for vindication of their rights without unreasonable delay. The idea underlying the concept of limitation is that every remedy should remain alive only till the expiry of the period fixed by the legislature. At the same time, the courts are empowered to condone the delay provided that sufficient cause is shown by the applicant for not availing the remedy within the prescribed period of limitation."

5. Similarly, in ***Lanka Venkateswarlu v. State of Andhra Pradesh, (2011) 4 SCC 363***, Hon'ble the Supreme Court reiterated that a liberal or justice-oriented approach cannot be invoked to override the substantive law of limitation. The Apex Court observed that expressions such as "liberal

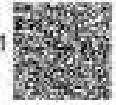


approach” and “substantial justice” cannot be stretched to obliterate the mandate of limitation prescribed by statute.

6. More recently, in ***Thirunagalingam v. Lingeswaran, 2025 INSC 672***, Hon’ble the Supreme Court, speaking through Justice Satish Chandra Sharma, reaffirmed that although Courts may lean in favour of advancing substantial justice, such indulgence cannot be extended unless the applicant establishes a legally sufficient and satisfactorily explained cause for the delay. The relevant portion of the judgment is reproduce as thus :

31. It is a well-settled law that while considering the plea for condonation of delay, the first and foremost duty of the court is to first ascertain the bona-fides of the explanation offered by the party seeking condonation rather than starting with the merits of the main matter. Only when sufficient cause or reasons given for the delay by the litigant and the opposition of the other side is equally balanced or stand on equal footing, the court may consider the merits of the main matter for the purpose of condoning the delay.”

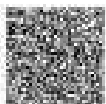
7. Again, in ***Shivamma (Dead) by LRs v. Karnataka Housing Board &_Ors., 2025 INSC 1104***, Hon’ble the Supreme Court recently reiterated that for seeking condonation of delay under Section 5 of the Limitation Act, the applicant must explain the delay for the entire period commencing from the date on which the limitation begins to run until the actual date of filing. It has been categorically held that the explanation must cover the entirety of the delay, and not just a part thereof. The relevant portion of the judgment is reproduce as thus :



“115. However, as is manifest from the entire discussion above, for the purpose of condonation of delay in terms of [Section 5](#) of the Limitation Act, the delay has to be explained by establishing the existence of “sufficient cause” for the entirety of the period from when the limitation began till the actual date of filing. In other words, if the period of limitation is 90-days, and the appeal is filed belatedly on the 100th day, then explanation has to be given for the entire 100-days.”

8. Turning to the case at hand, the applicant-appellant seeks condonation of an inordinate delay of 385 days in filing the appeal. I have perused the reasons stated in the application in light of the principles enunciated by the Hon’ble Supreme Court. The reasons given for delay are vague and flimsy. Furthermore, it is transpired that appellant was respondent No.1 before learned Tribunal and was proceeded against ex parte since he did not appear before learned Tribunal despite service. However, even affording the applicant-appellant every latitude, the explanation furnished neither establishes a “sufficient cause” nor covers the entirety of the delay as mandated by the aforesaid precedents which would justify condonation of such an extraordinary delay. In the face of such an extraordinary delay, vague assertions or generalized difficulties do not meet the statutory threshold.

9. It is a settled principle that while Courts lean towards advancing substantial justice, they cannot do so at the cost of defeating the law of limitation and causing serious prejudice to the opposite party. Once it is evident that the applicant-appellant has failed to establish sufficient cause for



condoning the delay, this Court has no hesitation in holding that the application is devoid of merit.

10. Accordingly, the application for condonation of delay is dismissed.

11. Since the application for condonation of delay in filing the present appeal is dismissed, the main appeal (FAO No.1322-2026) also stands *dismissed*.

12. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

17.03.2026
Ayub/Saahil

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