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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 2909/2026, CRL.M.A. 11852-11853/2026**

SANTOSH MAHAJAN

.....Petitioner

Through: Mr. Anshul Mittal, Mr. Sparsh
Agarwal and Mr. Vaibhav Garg,
Adv.

versus

SHACHI MAHAJAN

.....Respondent

Through: Respondent through VC

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

29.04.2026

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1. By virtue of the present petition under *Sections 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks setting aside of the order dated 11.02.2026 passed by the learned Principal District and Sessions Judge, East District Karkardooma Courts (***learned Appellate Court***), Delhi in C.A. No.211/2024, by virtue whereof the application of the petitioner herein/ appellant therein under *Section 5* of the Limitation Act, 1963 (***Limitation Act***) seeking condonation of delay in filing the said appeal was dismissed and thereby consequently dismissed his appeal.
2. Issue notice.
3. Respondent in person appearing through video conferencing accepts notice and opposed the present petition.
4. However, as held by co-ordinate bench in ***Vasvi Grover v. Manish***



Grover : 2023:DHC:9119 and ***Komal Gupta v. Amrendra Kumar Gupta : 2023:DHC:6784*** and considering the impugned order under challenge has been passed by the learned Sessions Court in an appeal arising out of matrimonial proceedings, wherein the Courts are expected to be liberal and practical oriented, especially, whence adjudicating upon the issue of limitation. While dealing with the case on hand, the Appellate Court in cases like the present one should have given a liberal interpretation to the “*sufficient cause*”, as required to be shown by the party under *Section 5* of the Limitation Act and not go into mere technicalities, more so, since the same was filed by the mother-in-law of the respondent who is a senior citizen lady. Even otherwise, it is well settled that the procedure is the handmaid of justice and it should not be used to thwart substantial justice or hinder the adjudication of rights of the parties. Lastly, under these circumstances, in the considered opinion of this Court, since the issues raised by the petitioner herein, require due consideration and adjudication thereof, it would be in the interest of justice if the present petition is allowed.

5. Accordingly, in view of the aforesaid as also the considering the reasons cited by the petitioner, the present petition is allowed.

6. As such, the order dated 11.02.2026 passed by the learned Appellate Court is set aside and the parties are relegated before the learned Appellate Court for fresh adjudication on merits by the learned Appellate Court, subject to the petitioner paying costs of Rs. 25,000/- (*Rupees Twenty Five Thousand Only*) to the respondent within a period of *two weeks*.

7. The present petition is disposed of in the aforesaid terms.



8. A copy of this order be sent to the learned Principal District and Sessions Judge, East District Karkardooma Courts, Delhi for information and compliance.

SAURABH BANERJEE, J

APRIL 29, 2026/Ab