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

+ **RSA 97/2026, CM APPL. 31954-31957/2026 & 33813-33814/2026**

RAILWAY BOARD

.....Appellant

Through:

versus

M/S NEW INDIA PUBLICATIONS & ANR.Respondents

Through: **Mr. Rahul Pandey and Mr. Rajesh Kumar, Advocates**

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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18.05.2026

CM APPL. 31956/2026:

1. An Application under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908 (CPC) has been filed on behalf of the Appellant seeking condonation of delay of 496 days, in filing the Regular Second Appeal under Section 100 of the CPC against the impugned judgment and decree dated 29.10.2024 whereby the learned Appellate Court has set aside the judgement dated 06.03.2017 of the learned Civil Judge and decreed the Suit of the Plaintiff for recovery in the sum of Rs.1,50,000/- along with interest.

2. In the condonation of delay Application, it is submitted that the Counsel for the Appellant ceased to appear in the matter after the year 2020, and there was no effective communication regarding the listing and final disposal of the matter to the Appellant Department.

3. The Appellant was under the *bona fide* impression that the Appeal proceedings were still pending adjudication, before the learned First



Appellate Court. It had no information about the final judgment dated 29.10.2024 and no such information was communicated to the Appellant Department.

4. The Appellant became aware of the impugned judgment only in Execution Petition No. 611/2025 filed before the learned JSCC/ASCJ/GJ, New Delhi, which was listed for 24.12.2025. Thereafter, the execution proceedings culminated into issuance of warrants of attachment *vide* order dated 19.02.2026.

5. Immediately on gaining the knowledge of the impugned judgment, the Appellant initiated the process of collecting reports from various departments, obtaining legal opinions, securing administrative approvals and preparing the present Appeal.

6. The Appellant contended that the delay was occasioned on account of procedural formalities inherent in inter-departmental correspondence within Government Departments, movement of official files, and the time consumed in obtaining certified copies from the concerned authorities. It was further submitted that the delay was *bona fide* and, therefore, deserves to be condoned.

7. Furthermore, it is stated that the Appellant has a strong *prima facie* case, on merits. The learned Civil Judge had categorically held that there was no concluded contract between the parties and, accordingly, dismissed the Suit, *vide* judgment dated 06.03.2017. It was further contended that the said well-reasoned judgment was subsequently overturned by the learned ADJ, *vide* judgment dated 29.10.2024. In such circumstances, grave prejudice would be caused to the Appellant, if the delay is not condoned.



8. Reliance is placed on Anantnag v. Mst. Katiji AIR 1987 SC 1353, N. Balakrishnan v. M. Krishnamurthy AIR 1998 SC 3222. Further reliance is placed on Re: Cognizance for Extension of Limitation: AIR 2021 SC 5452, wherein judicial Notice was taken on account of the Covid-19 pandemic and the period from March 2020 till February 2022, was excluded. It is, therefore, submitted that the delay of 496 days in filing the Appeal, be condoned.

9. **Learned Counsel for the Respondents** submits that there is no justifiable explanation for the delay in filing the Appeal and has placed reliance on Postmaster General v. Living Media India Ltd. (2012) 3 SCC 563.

Submissions heard and record perused.

10. There is a delay of *496 days* in filing the present Appeal which was filed on 08.04.2026 against the Judgement dated 29.10.2024, in the First Regular Appeal. The delay being substantial, the explanation furnished by the Appellant requires careful scrutiny to determine whether “*sufficient cause*”, within the meaning of Section 5 of the Limitation Act, 1963, is made out.

11. It is settled that the law of limitation is founded on sound public policy and cannot be diluted merely because the Appellant is a Government body. At the same time, the expression “*sufficient cause*” under Section 5 of the Limitation Act, is to receive a liberal construction in cases where the explanation does not reflect *mala fides* or deliberate inaction, but indicates procedural and administrative delay.

12. ***In the present case***, as per the submissions in the Application itself, the Appeal has been filed on 08.04.2026 *with a delay of 496 days*. The explanations given in the Application, make an interesting reading.



13. The contentions of the Appellant that, being a government body, the decision making process involves multiple administrative levels, examination of records, obtaining legal opinions, and approvals from competent authorities, does not advance the case of the Appellant in any manner. Such procedural formalities are inherent in the functioning of every Government Department and cannot, by themselves, constitute sufficient cause for condonation of delay.

14. Further, the plea that the matter remained under process at various departmental levels after the passing of the impugned judgment for obtaining necessary approvals, to file the present appeal, is vague and devoid of material particulars.

15. In this context it would be relevant to refer to the Judgment of *Shivamma (Dead) by LRs vs. Karnataka Housing Board and Others*, 2025 SCC OnLine SC 1969 wherein it was held 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.”

16. The term “*sufficient cause*” is not a loose panacea for the ill of pressing negligent and stale claims. This expression is to be construed with justice-oriented flexibility, so as not to punish innocent litigants for the circumstances beyond their control, as has been noted in the case of Shivamma (Dead) by LRs (supra). This is a classic case demonstrating absolutely lack of diligence and the lackadaisical attitude of the Railway Board, which is not condonable. It is, therefore, *evident that there is no sufficient cause of delay explained in the Application for Condonation of Delay of 496 days*.

17. There is **no merit** in the present Application, which is hereby, **dismissed**.

RSA 97/2026:

18. In view of the observations made above in **CM APPL. 31956/2026**, the present **Regular Second Appeal** along with pending Applications(s) is **dismissed**.

NEENA BANSAL KRISHNA, J.

MAY 18, 2026

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