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

\+ RFA 984/2023, CM APPL. 65415/2023, CM APPL. 65418-65420/2023

FABULOUS SILK PRODUCTS PVT LTD. .....Appellant

Through:

versus

ERA ELECRTRICALS & ANR. .....Respondents

Through: Mr. A K Pandey, Advocate with Ms Aayushi Pandey Advocate.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **18.05.2026**

CM APPL. 65416/2023 (*Seeking Exemption*)

1. Allowed, subject to just exceptions.

2. The Application is disposed of.

CM APPL. 65417/2023 (*under Section 5 of the Limitation Act for Condonation of Delay in Filing the Appeal*)

3. An Application has been filed on behalf of the Appellant seeking Condonation of Delay of 2280 days, in filing the Appeal.

4. It is submitted that the present Appeal has been preferred against the Judgment and Decree dated 05.10.2018 passed by the learned ADJ, South West District, Dwarka Courts, Delhi in Civil Suit No.554/2017 *whereby the suit filed by the Respondent/Plaintiff for Possession, arrears of rent and electricity charges, was decreed.*

5. Appellant claimed that after the impugned Judgment and Decree was passed, *compromise talks continued between the parties* and approximately two years elapsed in the said process. Thereafter, the Respondent allegedly refused the settlement proposal of the Appellant. Thereafter Covid-19

Pandemic spread across the country and a total lockdown, was imposed.

6. The Appellant claims that on account of the Covid-19 Pandemic, his business suffered severe financial losses. Thereafter, the Appellant approached the Counsel for legal advice for filing the present Appeal and was duly apprised of the legal consequences. The Director of the Appellant Company was suffering from old age ailments and chronic heart problems.

7. Further, due to domestic and financial difficulties, the Appellant could not remain in contact with the Counsel, for filing the Appeal. Finally, the Appellant approached the Counsel in October, 2023 for filing the present Appeal. The Registry raised objections regarding limitation and consequently the present Application seeking condonation of delay was filed. It is submitted that **the delay of 2280 days,** was neither intentional nor deliberate and therefore, deserves to be condoned in the interest of justice.

8. **The Respondent filed a detailed Reply**, opposing the Application. It is submitted that there were no settlement talks between the parties except one meeting in the year 2018, which failed on the same day. It is further submitted that no cogent explanation has been furnished for condonation of inordinate delay. It is also pointed out that no medical document whatsoever has been placed on record, in support of the alleged ailments of the Director of the Appellant Company.

9. The Respondent averred that the Appellant had *stopped appearing before the learned Trial Court at the stage of Defendant's Evidence* and eventually the impugned Judgment and Decree, was passed on 05.10.2018. It is thus, submitted that no sufficient cause has been disclosed for condonation of delay and the present Application is liable to be dismissed.

Submissions heard and record perused.

10. The law relating to condonation of delay under Section 5 of the Limitation Act is well settled. Though courts ordinarily adopt a liberal approach where sufficient cause is shown, such discretion cannot be exercised in a mechanical manner so as to condone gross negligence, casual conduct or unexplained inaction. The Applicant must disclose a *bona fide* and satisfactory explanation that covers the delay for the entire intervening period.

11. The Apex Court in *Basawaraj v. Special Land Acquisition Officer* (2013) 14 SCC 81, reiterated that the law of limitation is founded on public policy, and that where negligence, inaction or want of *bona fides* is imputable to a party, the delay ought not to be condoned. The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of *bona fides* cannot be imputed to the party concerned.

12. In the light of the aforesaid principles, the present Application may be examined, to ascertain whether the Appellant has disclosed any bona fide and satisfactory explanation for the enormous delay of 2280 days, in filing the present Appeal.

13. The ***first ground*** urged by the Appellant is that compromise talks continued between the parties for approximately two years, after passing of the impugned Judgment and Decree on 05.10.2018. This assertion reflects that despite being aware of the Judgement, the Appellant chose not to file the Appeal; instead, allegedly tried amicable settlement with the respondent.

14. Further, except a bald assertion, no particulars whatsoever have been disclosed. The Appellant has neither mentioned the dates of alleged meetings nor placed on record any correspondence, communication, settlement proposal, mediation proceedings or any other material to substantiate the plea of compromise negotiations.

15. Significantly, the Respondents have specifically denied the existence of any prolonged settlement talks and asserted that only one meeting had taken place in the year 2018, which failed on the same day itself. The Appellant has placed no material on record to rebut the said assertion.

16. The ***second ground*** urged by the Appellant is the Covid-19 pandemic and financial losses suffered in business. However, the lock down due to Covid, was imposed from March, 2020 till February, 2022.

17. Furthermore, the Appellant has also failed to explain the delay, after restoration of normal Court functioning. The Application is completely silent regarding the specific steps taken by the Appellant between the period March, 2022 till the filing of the present Appeal in October, 2023.

18. The **third ground** pleaded stated by the Appellant is that the Director of the Company was suffering from old age ailments and chronic heart problems. However, no medical document, prescription, treatment record, hospitalization document or any contemporaneous material, has been placed on record in support of the said plea.

19. The plea of illness thus, remains a vague and unsubstantiated assertion. The significant aspect is that the Appellant is a Company incorporated under the provisions of the Companies Act and is a separate juristic entity. Nothing has been placed on record to show as to how the alleged personal ailments of one Director, completely incapacitated the Appellant Company from pursuing its legal remedies for more than six years.

20. The only conclusion that can be drawn is that the Appellant remained completely negligent and inactive in pursuing the statutory remedy available under law. The explanation furnished by the Appellant is vague, omnibus and unsupported by any contemporaneous material.

21. The present case reflects a consistent pattern of inaction at every stage. No material has been placed on record to establish compromise negotiations; no explanation has been furnished for the prolonged inaction after the Covid period; and no medical record has been filed to substantiate the plea of physical incapacity.

22. Limitation is founded upon public policy to ensure certainty and finality in judicial proceedings. Once valuable rights accrue in favour of the decree-holder by lapse of limitation, they cannot be lightly disturbed in the absence of a bona fide and satisfactory explanation.

23. In view of the aforesaid facts and circumstances, it is held that the Appellant has failed to disclose any sufficient, cause warranting condonation of delay of 2280 days in filing the present Appeal.

24. The present Application under Section 5 of the Limitation Act is accordingly, dismissed.

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25. In view of the dismissal of condonation Application, bearing CM APPL. 65417/2023, **the present Appeal is also, dismissed.**

26. The pending Application(s) are disposed of, accordingly.

NEENA BANSAL KRISHNA, J.

MAY 18, 2026/VA