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

+ CRL.REV.P.(MAT.) 169/2026 & CRL.M.A. 9385/2026,
CRL.M.A. 9386/2026, CRL.M.A. 9401/2026

GOPAL MAHARAJ

..... Petitioner

Through: Mr. Ajay Kumar and Mr. Santosh
Tiwari, Advocates

versus

MAMTA & ORS.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **27.03.2026**

1. The petitioner has filed the present petition along with the accompanying applications, assailing the order dated 05.04.2024 passed by the Principal Judge, Family Courts, District East, Karkardooma Courts, in MT No. 32/2022, whereby an interim order of maintenance was granted in favour of the respondents, namely, the petitioner's wife and three minor children.

2. The petitioner is employed in a government job as a rail porter at Dadri Railway Station, North Central Railways, Dadri, under the Indian Railways. By the impugned order, a sum of Rs. 7,000/- per month has been awarded to each of his dependents, namely, his wife and three minor children, who were aged about 13 years, 10 years, and 7 years, respectively, as on the date of the impugned order.



3. The impugned order was passed nearly two years ago, on 05.04.2024.
4. In the application seeking condonation of delay of 537 days [CRL.M.A. 9385/2026], it is stated that the petitioner was suffering from hernia and was admitted to hospital, and that he also had to take care of his aged parents. On these grounds, it is urged that he was unable to file the present petition within the prescribed period of limitation.
5. The documents annexed to the application include “*railway sick/fit*” certificates issued by the Kanpur Juhi Railway Health Unit to the petitioner. The documents indicate that he was certified to be unfit to perform his duties from 24.09.2024 to 29.09.2024 and from 05.11.2024 to 08.11.2024. There is also a document indicating that he was declared fit as of 28.08.2025. The documents relating to the petitioner’s illness thus cover nine days, over two periods-five days in September 2024, and four days in November 2024.
6. The petitioner has also attached some medical records pertaining to his father, including prescriptions of Kanpur Sub-Division Railway Hospital dated 08.06.2024, 10.06.2024, 16.01.2025, 17.02.2025, 01.07.2025, and 06.10.2025.
7. None of the documents relied upon by the petitioner indicate that either the petitioner or his father was hospitalised at any point of time.
8. The limitation period for filing a revision petition is ninety days, which would, in any event, have expired in July 2024. Only two prescriptions, pertaining to the petitioner’s father, are of the pre-limitation period.
9. While considering an application for condonation of delay, the



Court is required to apply its mind to whether the applicant has been able to show “sufficient cause” for the delay, which necessarily depends *inter alia* upon the length of the delay. It must be borne in mind that an excessively liberal approach may adversely affect the vested rights of the opposing party, who is entitled to the fruits of the order which, in the absence of a timely challenge, has attained finality. Reference, in this regard, may be to the judgment of the Supreme Court in *Basawaraj v. Land Acquisition Officer*¹, as follows:

“9. Sufficient cause is the cause for which the defendant could not be blamed for his absence. The meaning of the word “sufficient” is “adequate” or “enough”, inasmuch as may be necessary to answer the purpose intended. Therefore, the word “sufficient” embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the viewpoint of a reasonable standard of a cautious man. In this context, “sufficient cause” means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has “not acted diligently” or “remained inactive”. However, the facts and circumstances of each case must afford sufficient ground to enable the court concerned to exercise discretion for the reason that whenever the court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the court that he was prevented by any “sufficient cause” from prosecuting his case, and unless a satisfactory explanation is furnished, the court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose.

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15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in

¹ (2013) 14 SCC 81, [hereinafter, “Basawaraj”].



condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.”²

The aforesaid principles have been reiterated and applied by the Supreme Court in *Majji Sannemma @ Sanyasirao v. Reddy Sridevi*³, wherein the Court rejected an application for condonation of delay of 1011 days in filing a second appeal, holding that a partial or inadequate explanation for the delay would not constitute “sufficient cause”, and that such delay reflects gross negligence and want of due diligence. The Court observed as under:

“6.1. The High Court has observed that if the delay is condoned no prejudice will be caused to the appellant as the appeal would be heard on merits. The High Court has also observed that there is no wilful negligence on the part of the respondents herein nor it suffers from want of due diligence. However, from the averments in the application for condonation of delay, we are of the opinion that it was a case of a gross negligence and/or want of due diligence on the part of the respondents herein - appellants before the High Court in filing such a belated appeal.

*6.2. We have gone through the averments in the application for the condonation of delay. **There is no sufficient explanation for the period from 15-3-2017 till the second appeal was preferred in the year 2021. In the application seeking condonation of delay it was stated that she is aged 45 years and was looking after the entire litigation and that she was suffering from health issues and she had fallen sick from 1-1-2017 to 15-3-2017 and she was advised to take bed rest for the said period. However, there is no explanation for the period after 15-3-2017. Thus, the period of delay from 15-3-2017 till the second appeal was filed in the year 2021 has not at all been explained. Therefore, the High Court has not exercised the discretion judiciously.***

7. At this stage, a few decisions of this Court on delay in filing the appeal

² Emphasis supplied.

³ (2021) 18 SCC 384.



are referred to and considered as under:

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7.3. In *Pundlik Jalam Patil v. Jalgaon Medium Project*⁴, it is observed as under : (SCC p. 450)

“... the laws of limitation are founded on public policy. Statutes of limitation are sometimes described as “statutes of peace”. An unlimited and perpetual threat of limitation creates insecurity and uncertainty; some kind of limitation is essential for public order. The principle is based on the maxim “interest reipublicae ut sit finis litium”, that is, the interest of the State requires that there should be end to litigation but at the same time laws of limitation are a means to ensure private justice suppressing fraud and perjury, quickening diligence and preventing oppression. **The object for fixing time-limit for litigation is based on public policy fixing a lifespan for legal remedy for the purpose of general welfare. They are meant to see that the parties do not resort to dilatory tactics but avail their legal remedies promptly. Salmond in his Jurisprudence states that the laws come to the assistance of the vigilant and not of the sleepy.**”

7.4. In *Basawaraj*, it is observed and held by this Court that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case. It is further observed that the expression “sufficient cause” cannot be liberally interpreted if negligence, inaction or lack of bona fides is attributed to the party. It is further observed that even though limitation may harshly affect rights of a party but it has to be applied with all its rigour when prescribed by statute. **It is further observed that in case a party has acted with negligence, lack of bona fides or there is inaction then there cannot be any justified ground for condoning the delay even by imposing conditions.** It is observed that each application for condonation of delay has to be decided within the framework laid down by this Court. It is further observed that if courts start condoning delay where no sufficient cause is made out by imposing conditions then that would amount to violation of statutory principles and showing utter disregard to legislature.

7.5. **In Pundlik Jalam Patil, it is observed by this Court that the court cannot enquire into belated and stale claims on the ground of equity. Delay defeats equity. The courts help those who are vigilant and “do not slumber over their rights”.**

8. **Applying the law laid down by this Court in the aforesaid decisions**

⁴ 2008) 17 SCC 448, [hereinafter, “*Pundlik Jalam Patil*”].



to the facts of the case on hand and considering the averments in the application for condonation of delay, we are of the opinion that as such no explanation much less a sufficient or a satisfactory explanation had been offered by Respondents 1 and 2 herein—appellants before the High Court for condonation of huge delay of 1011 days in preferring the second appeal. The High Court is not at all justified in exercising its discretion to condone such a huge delay. The High Court has not exercised the discretion judiciously. The reasoning given by the High Court while condoning huge delay of 1011 days is not germane. Therefore, the High Court has erred in condoning the huge delay of 1011 days in preferring the appeal by Respondents 1 and 2 herein—original defendants. Impugned order [Reddy Sridevi v. Majji Sannemma, 2021 SCC OnLine AP 3977] passed by the High Court is unsustainable both, on law as well as on facts.”⁵

10. Applying these principles to the present case, the delay is of 537 days. The material placed on record, referred to above, is wholly inadequate to explain such inordinate delay. The respondents – in the case, the petitioner’s wife and minor children – cannot be expected, at this belated stage, to face a challenge to the impugned maintenance order.

11. In these circumstances, I do not consider it appropriate to entertain the revision petition at this stage.

12. Accordingly, CRL.M.A. 9385/2026 is dismissed. Consequently, the petition, being barred by limitation, is also dismissed.

13. All pending applications are also dismissed.

PRATEEK JALAN, J

MARCH 27, 2026

‘Sv/JM’/

⁵ Emphasis supplied.