HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL DEFECTIVE No. - 599 of 2026

The United India Insurance Co Ltd And 2 Others

.....Appellant(s)

Versus

H.M. Overseas

.....Respondent(s)

Counsel for Appellant(s)	:	Saurabh Srivastava
Counsel for Respondent(s)	:	Manoj Kumar Dubey

Court No. - 34

(SN.64)

HON'BLE ANISH KUMAR GUPTA, J.

1. The rejoinder affidavit to the counter affidavit filed on behalf of the sole respondent on the Delay Condonation Application has been tendered today in Court, which is taken on record.

2. Heard Sri Saurabh Srivastava, learned counsel for the appellants and Sri Manoj Kumar Dubey, learned counsel for the sole respondent.

Order on the Delay Condonation Application No. 4 of 2026

1. There is a reported delay of 337 days in filing the instant appeal.

2. The following explanation for delay condonation has been offered in the affidavit supporting the Delay Condonation Application:

> *"2. That the grounds of delay condonation application alongwith the affidavit filed in support thereof has been read over and explained to the deponent, as such, he understood the same and is now in position to giving parawise reply of the same.*
>
> *3. That the contents of paragraph no.1 of affidavit filed in support of delay condonation application call for no comments.*
>
> *4. That the contents of paragraph no.2 of affidavit filed in support of delay condontion application are not admitted*

hence denied, it is submitted that the appellant admit that the judgment and decree was passed on 25.03.2025 and decree was available on 19.04.2025 which was referred to local office. No sufficient cause for delay has been shown. It is further submitted that no evidence was filed in support of appellants contention.

5. That the contents of paragraph no.3 of affidavit filed in support of delay condonation application are not admitted hence denied, The appellant company are taking one opinion from one counsel and thereafter second opinion from the other counsel which clearly shows that an effort has been made by the appellant company to justify the delay, rather than furnishing any satisfactory explanation, It merely offers an excuse in the delay condonation application. For ready reference Section 5 of the Limitation Act is being reproduce herein under -

"5. Extension of prescribed period in certain cases. Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908) may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation. The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section."

A bare perusal of affidavit clearly shows that no sufficient cause for delay has been shown and only excuses seems to have been made by the appellant company and therefore they cannot get the advantage of such a unexplainable and inordinate delay.

6. That the contents of paragraph no.4 and 5 of affidavit filed in support of delay condonation application are not admitted hence denied, It is submitted that the delay in filing of the First Appeal was occasion not by the unavoidable circumstances but by the sheer inefficiency and ineptitude of company of the appellant officials. It is further submitted that the Hon'ble Supreme Court in the matter of ***Postmaster General and others vs. Living Media India Limited and another reported in [(2012) 3 SCC 563]*** *has held that the State cannot claim that they have a separate period of limitation and in the absence of plausible and acceptable explanation, delay cannot be condoned in the mechanical manner just because the Government or its instrumentality is a party before the Court. The Hon'ble Supreme Court further went to hold that the department cannot take advantage of earlier decisions and claim on account of impersonal machinery and inherited bureaucratic methodology or making several notes cannot be accepted in view of the Modern Technologies being available. The law of limitation bounds everybody equally including the government.*

A similar view has been taken in ***State of U.P. v. Sabha Narain, reported*** *in (2022) 9 SCC 266, the Hon'ble Supreme Court once again deprecated the tendency of State and its Instrumentalities to proceed on the assumption that they may approach the courts at their own convenience and sweet will, disregarding the period of limitation prescribed by statue, as though the Limitation statue does not apply to them. It held that the leeway which was at one point extended to the Government/public authorities on account of innate functional inefficiencies is no more the norm, particularly in the wake of the decision of Postmaster General (supra).*

3. Learned counsel for the respondent has objected to the Delay Condonation Application relying upon the judgments of the Apex Court in ***Postmaster General and Others vs. Living Media India Limited and***

Another : (2012) 3 SCC 563, ***State of U.P. vs. Sabha Narain : (2022) 9 SCC 266*** as well as ***Shivamma (dead) by Lrs. vs. Karnataka Housing Board and Others : 2025 SCC OnLine Supreme Court 1969*** and submits that no proper explanation for delay condonation has been provided except the administrative lethargies on the part of the appellants. In such view of the matter, learned counsel for the respondent submits that the Delay Condonation Application is liable to be rejected.

4. In ***Postmaster General (supra)***, the Apex Court has held that the State cannot claim that they have a separate period of limitation and in the absence of plausible and acceptable explanation, delay cannot be condoned in the mechanical manner just because the Government or its instrumentality is a party before the Court. The Hon'ble Supreme Court further went to hold that the department cannot take advantage of earlier decisions and claim on account of impersonal machinery and inherited bureaucratic methodology or making several notes cannot be accepted in view of the Modern Technologies being available. The law of limitation bounds everybody equally including the Government.

5. In ***Sabha Narain (supra)***, the Apex Court once again deprecated the tendency of State and its Instrumentalities to proceed on the assumption that they may approach the courts at their own convenience and sweet will, disregarding the period of limitation prescribed by statute, as though the Limitation statute does not apply to them. It held that the leeway which was at one point extended to the Government/public authorities on account of innate functional inefficiencies is no more the norm, particularly in the wake of the decision of Postmaster General (supra).

6. In the recent judgment of ***Shivamma (supra)***, the Apex Court has held as under:

> *"210. What may be discerned from the aforesaid is that the jurisprudence on condonation of delay under Section 5 of the Limitation Act, particularly where the State or any of its instrumentality is involved, has witnessed a significant shift. From a regime that once accorded preferential indulgence to the State, premised on its bureaucratic complexities and*

institutional inertia, the law has now evolved to insist upon parity between the government and private litigants. The rationale is that public interest is better served not by excusing governmental inefficiency, but by fostering accountability, diligence, and responsibility in the conduct of public litigation.

230. To permit condonation of delay to become a matter of course for the Government would have the deleterious effect of institutionalising inefficiency. It would, in substance, incentivise indolence and foster a culture where accountability for delay is eroded. If the State is assured that its lapses will invariably be excused under the rubric of "public interest," there would remain little incentive for its officers to act with vigilance or for its instrumentalities to streamline procedures for timely action. The consequence would not be the advancement of public interest but rather its betrayal.

232. It must, therefore, be underscored that the guiding principle is not the protection of governmental indifference but the promotion of responsible governance. The State is under a higher duty to act in time, for in every matter it litigates, it does so not in its private capacity, but as the trustee of the people's interest. Hence, repeated indulgence in condoning delays on grounds of bureaucratic inefficiency would amount to eroding the very object of limitation statutes, which are enacted in every civilised jurisdiction for the sake of finality, certainty, and public order.

249. Once the State chooses to litigate, it must shoulder the same responsibilities and abide by the same limitations that bind every litigant. To permit the State to evade the consequences of delay on the ostensible plea that the fault lay with individual officers would amount to diluting the rigour of limitation statutes and undermining their very object. Such an approach would not only privilege the State unjustly over private parties but would also perpetuate a culture of indifference and irresponsibility within the administration.

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.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law."

7. Thus, from the aforesaid judgments, it is apparent that the Apex Court has categorically held that the Government instrumentalities cannot claim any special privileges and they are required to be treated at par with any private individual or the private institutions so far as the law of limitation is concerned and the law of limitation will apply equally to the private

entities as well as to the Government instrumentalities.

8. From the explanation offered by the appellant in the considered opinion of this Court, there is no satisfactory explanation for condoning the delay of 337 days. All that which was required to be done could have been done within the limitation period as well and for such delay the appellants are required to blame their own authorities. In such view of the matter, this Court do not find any justifiable reason for condoning the delay in the instant appeal.

9. Accordingly, the application for condonation of delay is ***rejected***. Consequently, the instant appeal is also ***dismissed*** on the ground of limitation.

(Anish Kumar Gupta,J.)

October 23, 2026
Shubham Arya

Digitally signed by :-
SHUBHAM ARYA
High Court of Judicature at Allahabad