



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3524]

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

I.A.No.1 of 2025

In/and

APPEAL SUIT NO: 585/2025

Between:

1.P.VANAJAMMA,, W/O. P.VIJAYANANDA REDDY, AGED ABOUT 54 YEARS, R/O. FLAT NO.905, BLOCK NO.5, CHITHRAPURI HILLS, KHAJAGUDA, HYDERABAD.

...APPELLANT

AND

1.PEDDI REDDY YOGA NARASIMHA REDDY, (DIED)

2.P MAHITHA REDDY, W/O. P.UMAMAHESWARA REDDY, AGED ABOUT 39 YEARS, R/O. D.NO.58, WELL FLEET LANE, CHESTER BROOK HILLS, PA- 19087, UNITED STATES OF AMERICA.

3.P UMAMAHESWARA REDDY, S/O. P.CHINNAKRISHNA REDDY, AGED ABOUT 45 YEARS, R/O. D.NO.58, WELL FLEET LANE, CHESTER BROOK HILLS, PA- 19087, UNITED STATES OF AMERICA.

...RESPONDENT(S):

pleased to allow the above Appeal Suit by setting aside Judgement and Decree dated 09.04.2025 and thereby, allowing O.S.No. 210 of 2017 on the file of the Honble V Additional District Judge, Tirupati in favour of the Appellant/Plaintiff and may be pleased to pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 110 days in representing the file in the interest of justice and in the circumstances of the case.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant an Injunction Order restraining the respondents herein from alienating/mortgaging or altering the nature of the schedule mentioned property to third parties, pending disposal of the present Appeal Suit and pass

Counsel for the Appellant:

1.VMR LEGAL

Counsel for the Respondent(S):

1.A SYAM SUNDAR REDDY

2.

The Court made the following:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

I.A.No.1 of 2025

In/and

APPEAL SUIT NO: 585/2025

JUDGMENT: *(per Ravi Nath Tilhari, J)*

Heard Sri Venkatesh B. Reddy, learned counsel for the appellant.

2. The appellant is the plaintiff in O.S.No.210 of 2017 for specific performance of contract which was dismissed holding that the suit was barred by limitation vide decree dated 09.04.2025 passed by the learned Judge Family Court – Cum – V Additional District Judge, Tirupati.

3. The present appeal was filed beyond limitation period and for condonation of 110 days delay, I.A.No.1 of 2025 has been filed.

4. Learned counsel for the appellant submits that there was sufficient cause in not preferring/representing the appeal within the period of limitation. In this respect he has drawn the attention of this Court to para-4 of the affidavit filed in support of the application. Para-4 reads as under:

“4. It is further submitted that the certified copy of the Judgement and Decree which was received by me was misplaced and I had contacted the Counsel who had appeared for me in the Hon’ble District Court for an extra copy and it took time for me to receive the said Copy and only on 18.09.2025 I had received an extra copy of the Judgment and Decree.”

5. From the aforesaid paragraph, the cause taken is that certified copy of the judgment and decree, which was received was misplaced and then extra copy was asked and the same was provided on 18.09.2025. So that took time resulting into delay. We have seen the certified copy annexed to the memo of appeal that was applied on 10.04.2025 and became ready on 14.05.2025 and was received

on 14.05.2025. There is no proof of getting another extra copy. In fact the same copy has been filed which was applied on 10.04.2025.

6. We find, the cause stated is not sufficient for the delay of 110 days. Consequently, the appellant not being diligent in filing the appeal, no case for condonation of delay is made out.

7. In ***H.Guruswamy v. A.Krishnaiah***¹, the Hon'ble Apex Court has reiterated that the concepts such as 'liberal approach', 'Justice oriented approach', 'substantial justice' should not be employed to frustrate or jettison the substantial law of limitation. It was further held that it is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay. So, only if the sufficient cause has been assigned by the litigant, then only the further consideration would arise.

8. Para Nos.13 to 16 of ***H.Guruswamy*** (supra) reads as under:

"13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High courts that the concepts such as "liberal approach", "Justice oriented approach", "substantial justice" should not be employed to frustrate or jettison the substantial law of limitation.

14. We are constrained to observe that the High Court has exhibited complete absence of judicial conscience and restraints, which a judge is expected to maintain while adjudicating a *lis* between the parties.

15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want

¹ 2025 SCC OnLine SC 54

to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.”

9. In ***Pathapati Subba Reddy v. Special Deputy Collector (LA)***², the Hon'ble Apex Court referring to various decisions including *Basawaraj v. LAO* {(2013) 14 SCC 81} held that the discretion to condone the delay has to be exercised judiciously based upon the facts and circumstances of each case. The expression 'sufficient cause' as occurring in Section 5 of the Limitation Act cannot be liberally interpreted if negligence, inaction or lack of *bona fide* is writ large. Even though limitation may harshly affect rights of the parties but it has to be applied with all its rigour as prescribed under the statute as the courts have no choice but to apply the law as it stands and they have no power to condone the delay on equitable grounds.

10. Para Nos.25 to 28 of ***Pathapati Subba Reddy*** (supra) reads as under:

“25. In *Basawaraj v. LAO* {(2013) 14 SCC 81}, this Court held that the discretion to condone the delay has to be exercised judiciously based upon the facts and circumstances of each case. The expression "sufficient cause" as occurring in Section 5 of the Limitation Act cannot be liberally interpreted if negligence, inaction or lack of *bona fide* is writ large. It was also observed that even though limitation may harshly affect rights of the parties but it has to be applied with all its rigour as prescribed under the statute as the courts have no choice but to apply the law as it stands and they have no power to condone the delay on equitable grounds.

² (2024) 12 SCC 336

26. It would be beneficial to quote para 12 of the aforesaid decision in *Basawaraj case (surpa)* which clinches the issue of the manner in which equilibrium has to be maintained between adopting liberal approach and in implementing the statute as it stands. Para 12 reads as under:

“12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. ‘A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation.’ The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim *dura lex sed lex* which means “the law is hard but it is the law”, stands attracted in such a situation. It has consistently been held that, “inconvenience is not” a decisive factor to be considered while interpreting a statute.”

27. This Court in the same breath in the same very decision vide para 15 went on to observe as under:

“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 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.”

(emphasis supplied)

28. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

28.1. Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

28.2. A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

28.3. The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally:

28.4. In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be

used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

28.5. Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

28.6. Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

28.7. Merits of the case are not required to be considered in condoning the delay; and

28.8. Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”

7. Accordingly, I.A.No.1 of 2025 is rejected. Consequently, the appeal is also dismissed as barred by limitation.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

MAHESWARA RAO KUNCHEAM,J

Dated:03.12.2025
AG

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

I.A.No.1 of 2025

In/and

APPEAL SUIT NO: 585/2025

Dated:03.12.2025
AG