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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010000091988
+ **FAO 93/1988**
KRISHAN LALAppellant

Through: Mr. Abhishek Singh, Mr. J. Amal Anand, Mr. Elvin Joshy, Mr. K.V. Vibu Prasad, Mr. Akshat Mishra, and Mr. Joel David, Advocates.

versus

INDERJEET SINGH & ANOTHERRespondents
Through:

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **01.09.2026**

CM APPL. 6457/2019(for condonation of 6290 days' delay in filing the restoration application)

1. By way of the present application filed under Section 5 of the Limitation Act, 1963, the applicant/appellant seeks condonation of delay of 6,290 days (over 17 years) in seeking restoration of the accompanying appeal. The said appeal was dismissed in default on 25.07.2002, and the application for restoration was filed in the first instance only on 24.11.2018, and ultimately re-filed after removal of objections in January 2019.



2. The accompanying appeal was admitted on 21.07.1988. Upon being listed for hearing on 18.07.2002 and 25.07.2002, neither the appellant nor his counsel appeared, resulting in dismissal for non-prosecution. The appellant primarily contends that he lost contact with his previous counsel, faced severe financial distress, and received no notice before dismissal.

3. It is well settled that the law of limitation is founded on public policy and Courts cannot dilute statutory rigour to come to the aid of a party guilty of inordinate inaction and lack of diligence. In Basawaraj & Anr. Vs. Special Land Acquisition Officer¹, where the claimants sought condonation of a delay of 5 & ½ years in preferring an appeal, the Supreme Court underscored the strict parameters of “sufficient cause” and held:

“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

¹(2013) 14 SCC 81



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. (See *Manindra Land and Building Corpn. Ltd. v. Bhutnath Banerjee*⁶, *Mata Din v. A. Narayanan*⁷, *Parimal v. Veena*⁸ and *ManibenDevraj Shah v. Municipal Corpn. of Brihan Mumbai*⁹.)

...

11. 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, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible. (Vide *Madanlal v. Shyamlal*¹¹ and *Ram Nath Sao v. Gobardhan Sao*¹².)

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.

...

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.”

4. The said principles were expressly upheld by the Supreme Court in PathapatiSubba Reddy (Dead) by LRs. &Ors. Vs. Special Deputy Collector (LA)², wherein, while refusing to condone an inordinate delay of 5,659 days, the Court further noted the following:

“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

²2024 SCC OnLine SC 513



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.”

5. A perusal of the record reveals that following the dismissal of the appeal on 25.07.2002, the appellant took no steps whatsoever for over 16 years, resurfacing only in late 2018. The appellant's plea that he lost contact with his counsel for over a decade cannot advance his case, as a litigant bears an independent responsibility to diligently pursue his cause and cannot shift the entire burden onto his erstwhile counsel. Such an astronomical delay of 6,290 days cannot be erased by generic submissions *qua* personal hardship or breakdown of communication. The conduct of the applicant exhibits a callous attitude towards prosecuting his legal remedies.

6. In the absence of any sufficient cause being shown, no ground is made out to condone the prolonged delay of 6,290 days.

7. Accordingly, the present application is dismissed.

CM APPL. 6456/2019 (for restoration)

In view of the order passed above, the present application is also dismissed as barred by limitation.

MANOJ KUMAR OHRI, J

SEPTEMBER 1, 2026/nb