



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

119

**CM-11292-C-2024 and  
CM-11293-C-2024 in/and  
RSA No.2748 of 2024 (O&M)  
Date of Decision:17.07.2025**

**Dimple and another****.....Appellants****Versus****Ashok****..... Respondent****CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL****Present:** Mr. N.K.Malhotra, Advocate  
for the applicants-appellants.**VIKRAM AGGARWAL, J.**

A suit for permanent and mandatory injunction was instituted by the appellants-plaintiffs against the respondent-defendant. For, no evidence was led despite 7 opportunities having been availed, the suit was dismissed, vide judgment and decree dated 07.05.2019, by invoking provisions of Order 17 Rule 3 of the Code of the Civil Procedure, 1908 (hereinafter referred to as 'CPC'). Appeal preferred against the said judgment and decree was dismissed on 24.03.2022 leading to the filing of the instant appeal.

2. In the present appeal, there is a delay of 236 days in filing and 867 days in re-filing the appeal.

3. The sole ground taken in the application, preferred under Section 5 of the Limitation Act, 1963 (hereinafter referred to as the '1963 Act') for condonation of delay of 236 days in filing is that the applicants-appellants were not having the fee due to insufficient funds which they could arrange only in May 2022 after which the appeal was filed. As regards the application



seeking condonation of delay of 867 days in re-filing, the sole ground taken is that the appeal could not be re-filed in time on account of incomplete documents of the appellants.

4. The question which arises for the consideration of this Court is as to whether the huge delay of 236 days in filing the appeal and 867 days in re-filing the appeal should be condoned and whether the applicants/appellants have been able to show any sufficient cause for the same.

5. I have considered the submissions made by learned counsel for the applicants-appellants.

6(i). The 1963 Act was enacted with a certain object. Till 1859, there was no definite law of limitation and regulations were passed from time to time for fixing the period of limitation for initiation of action. For the first time in the year 1859, a law on the subject of limitation was passed by Act XIV of 1859 which came into operation in 1862. The Act of 1859 was followed by the Act XIX of 1871 followed by Act XV of 1877. Finally, limitation Act, 1908 was passed which continued in operation for a long period. Ultimately, the Law Commission made various recommendations in its 3<sup>rd</sup> report dated 27.07.1956. A limitation Bill was, therefore, introduced in the Lok Sabha on 23.12.1960 but it lapsed on account of dissolution of the Lok Sabha and accordingly, it was again introduced in the Parliament in 1962. It was then that Act No.36 of 1963 i.e. the present Act came into force w.e.f. 01.01.1964. It defines 'period of limitation' under Section 2 (j);

***“period of limitation” means the period of limitation prescribed for any suit, appeal or application by the Schedule, and “prescribed period” means the period of limitation computed in accordance with the provisions of this Act.”***



6(ii). Section 5 provides for extension of the prescribed period in certain cases and lays down as 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.*

6(iii). The periods of limitation are provided in the schedule attached to the 1963 Act. The legislature was, therefore, conscious of the fact that certain time periods and limits need to be fixed for initiation of action. Accordingly, different period of limitations were provided for different actions.

6(iv). Then arose the question as to whether Courts should be strict or they should be liberal in condoning the delay in initiating different kinds of action.

6(v). The basic law is that the Courts should be liberal in condoning the delay but only upto a certain extent. However, the concept of 'liberal approach, justice oriented approach, substantial justice' cannot be employed to jettison the substantive law of limitation. It was so held by the Supreme Court of India in the case of *Lanka Venkateswarlu v. State of Andhra Pradesh*, AIR 2011 SC 1199. Further, though, vide different judgments, the State has



been given more leverage as regards delay that occurs in initiating action and condonation thereof, the Act does not make any distinction between the State and the citizens. It was held by the Supreme Court of India in the case of *Indian Oil Corporation Ltd. v. Subrata Borah Chowlek, (2010) 12 SCALE 209 : 2010 (262) ELT 3* that adopting a strict standard of proof in the case of the Government which is dependent on the actions of its officials, who often do not have any personal interest in its transactions may lead to grave miscarriage of justice and, therefore, certain amount of latitude is permissible in such cases.

6(vi). As per Section 5 of the Limitation Act, if sufficient cause is shown for not preferring an appeal or an application (other than an application under the provisions of Order XXI CPC) within the prescribed period, the same may be admitted after the prescribed period as well. In the case of *Esha Bhattacharjee versus Managing Committee of Raghunathpur Nafar Academy and others 2013 (4) RCR (Civil) 785*, the Hon'ble Apex Court culled out the principles with regard to condonation of delay;

***“From the aforesaid authorities the principles that can broadly be culled out are:***

***(i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.***

***(ii) The terms "sufficient cause" should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the***



*obtaining fact-situation.*

*(iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.*

*(iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.*

*(v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.*

*(vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.*

*(vii) The concept of liberal approach has to encapsule the conception of reasonableness and it cannot be allowed a totally unfettered free play.*

*(viii) There is a distinction between inordinate delay and a delay of short duration or few days, for to the former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.*

*(ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to*



*weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.*

*(x) If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.*

*(xi) It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.*

*(xii) The entire gamut of facts are to be carefully scrutinised and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.*

*(xiii) The State or a public body or an entity representing a collective cause should be given some acceptable latitude.”*

6(vii). Still further, in the case of *Basawaraj and another versus Special Land Acquisition Officer 2013 (14) SCC 81*, the Hon'ble Supreme Court of India was dealing with a judgment of the High Court of Karnataka wherein the appeals filed by the appellants had been dismissed on the ground of limitation. In this case also, the Apex Court examined as to what would amount to a sufficient cause as defined under Section 5 of the Limitation Act. It was held that 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 bonafidies cannot be imputed to the party



concerned. It was held that whether or not sufficient cause had been shown, could be decided on the facts of a particular case and no straitjacket formula was possible. In this case, there was a delay of 5 ½ years in filing the appeal and the High Court of Karnataka had dismissed the appeals on the ground of limitation. The Apex Court, after examining the facts of the case and law on the subject, declined to interfere in the decision of the Karnataka High Court and, therefore, rejected the appeals. It was held by the Apex Court as under:-

***“9. Sufficient cause is the cause for which 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 view point 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.(See: Manindra Land and Building Corporation Ltd. v. Bhootnath Banerjee & Ors., AIR***



*1964 Supreme Court 1336 ; Lala Matadin v. A. Narayanan, AIR 1970 Supreme Court 1953 ; Parimal v. Veena @ Bharti, 2011(2) RCR (Civil) 155 : 2011(1) Recent Apex Judgments (R.A.J.) 611 and Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai, AIR 2012 Supreme Court 1629.*

*10. In Arjun Singh v. Mohindra Kumar, AIR 1964 Supreme Court 993 this Court explained the difference between a "good cause" and a "sufficient cause" and observed that every "sufficient cause" is a good cause and vice versa. However, if any difference exists it can only be that the requirement of good cause is complied with on a lesser degree of proof that of "sufficient cause".*

*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, 2002(2) RCR (Civil) 361; and Ram Nath Sao @ Ram Nath Sahu & Ors. v. Gobardhan Sao & Ors., 2002(2) RCR (Civil) 337.*

*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.*

*13. The Statute of Limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale. According to Halsbury's Laws of England, Vol. 24, p. 181:*

*"330. Policy of Limitation Acts. The courts have expressed at least three differing reasons supporting the existence of statutes of limitations namely, (1) that long dormant claims have more of cruelty than justice in them, (2) that a defendant might have lost the evidence to disprove a stale claim, and (3) that persons with good causes of actions should pursue them with reasonable diligence".*

*An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence' or laches.*

*(See: Popat and Kotecha Property v. State Bank of India Staff Assn., 2005(4) RCR (Civil) 334 : (2005) 7 SCC 510 Rajendar Singh & Ors. v. Santa Singh & Ors., AIR 1973 Supreme Court 2537 and Pundlik Jalam Patil v. Executive Engineer, Jalgaon Medium Project, (2008) 17 SCC 448*

*14. In P. Ramachandra Rao v. State of Karnataka, 2002(2) RCR (Criminal) 553, this Court held that judicially engrafting principles of limitation amounts to legislating and would fly in*



***the face of law laid down by the Constitution Bench in A. R. Antulay v. R.S. Nayak, 1992(2) RCR (Criminal) 634.”***

6(viii). 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 to the Court as to what was the "sufficient cause" which means an adequate and enough reason which prevented it from approaching the Court within limitation. In case a party is found to be negligent, or for want of *bonafides* on its 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 would 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 courts with regard to 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 by simply putting same condition, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislation.

7. If we consider the principles of law and the facts of the present case, there remains no doubt in the mind of this Court that there is absolutely no reason to condone the delay of 236 days in filing and 867 days in re-filing the appeal. The applicants do not disclose any sufficient cause for condoning the delay and only vague and general reasons have been set out in the applications. Even though, the applicants-appellants are being non-suited on delay, a perusal of the file shows that they were extremely negligent in pursuing their case before the trial Court, for, more than 15 opportunities were availed



by them for filing replication to the written statement and for 7 continuous dates, after framing of issues, they did not produce even a single witness. They do not seem to have mended their ways as the present appeal was also instituted with a delay of 236 days in filing and 867 days in re-filing. Such litigants, who sleep over their rights, cannot be permitted to avail the benefit of provisions which have been enacted for the benefit of genuine litigants and not those like the present applicants-appellants.

8. Be that as it may, in view of the aforesaid, I do not find any merit in the present applications and the same are accordingly dismissed.

9. As a consequence, the appeal also stands dismissed.

Pending application(s), if any, shall also stand disposed of.

**(VIKRAM AGGARWAL)**  
**JUDGE**

**17.07.2025**

*Manoj Bhutani*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No