

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2025
@ SPECIAL LEAVE PETITION (CIVIL) DIARY NO.3916/2025

STATE OF JHARKHAND & ORS.

...APPELLANTS

VERSUS

AZADUL HAQUE & ANR.

...RESPONDENTS

O R D E R

1. Heard.

2. Leave granted.

3. Delay in refiling is condoned.

4. The State being aggrieved by the impugned order dated 28.10.2024 passed in I.A. No.9029/2024 in L.P.A. (Filing) No.6893/2024, whereunder the High Court refused to condone the delay of 221 days in filing the intra court appeal, is before this Court. Perusal of the impugned order would disclose that on the premise that the appellants had adopted a very lethargic attitude in the matter of filing Letters Patent Appeal and also had exhibited negligence, the application for condonation of delay has been rejected and consequently, the appeal has been dismissed.

5. While considering the application for condonation of delay filed under Section 5 of the Limitation Act, 1963, ("the Act") the expression "sufficient cause" as found in Section 5 of the Act

will have to receive a liberal interpretation rather than technical or pedantic viewing. Irrespective of the length of delay, if the cause shown is sufficient, the delay deserves to be condoned. When substantial justice is pitted against technicalities, necessarily such technicalities will have to kneel down before the substantial justice or in other words, where the cause shown for the delay is sufficient and the opposite party can be suitably compensated for such delay, necessarily the delay has to be condoned, irrespective of the length of delay. On the other hand, if the delay is short, the cause shown would not be in the proximity of truth or contrary to facts, then in such circumstances, the delay cannot be condoned and the application for condonation of delay has to be dismissed. This proposition also gets support from the law laid down by this Court in *Collector, Land Acquisition, Anantnag & Anr. Vs. Mst. Katiji & Ors.*, AIR 1987 SC 1353, whereunder this Court has held as follows:

"3. The legislature has conferred the power to condone delay by enacting Section 5 of the Indian Limitation Act of 1963 in order to enable the courts to do substantial justice to parties by disposing of matters on "merits". The expression "sufficient cause" employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice – that being the life-purpose for the existence of the institution of courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:

"1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.

2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is

condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.

3. "Every day's delay must be explained" does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.

Making a justice-oriented approach from this perspective, there was sufficient cause for condoning the delay in the institution of the appeal. The fact that it was the "State" which was seeking condonation and not a private party was altogether irrelevant. The doctrine of equality before law demands that all litigants, including the State as a litigant, are accorded the same treatment and the law is administered in an even-handed manner. There is no warrant for according a step-motherly treatment when the "State" is the applicant praying for condonation of delay. In fact experience shows that on account of an impersonal machinery (no one in charge of the matter is directly hit or hurt by the judgment sought to be subjected to appeal) and the inherited bureaucratic methodology imbued with the note-making, file-pushing and passing-on-the-buck ethos, delay on its part is less difficult to understand though more difficult to approve. In any event, the State which represents the collective cause of the community, does not deserve a litigant-non-grata status. The courts therefore have to be informed with the spirit and philosophy of the provision in the course of the interpretation of the expression "sufficient cause". So also the same approach has to be evidenced in its application to matters at hand with the end in view to do even-handed justice on merits in preference to the approach which scuttles a decision on merits. Turning to the facts of the matter giving rise to the present appeal, we are satisfied that sufficient cause exists for the delay. The order of the High Court dismissing the appeal before it as time-barred, is therefore, set aside. Delay is condoned. And the matter is remitted to the High Court. The High Court will now dispose of the appeal on merits after affording reasonable opportunity of hearing to both the sides."

6. Keeping the aforestated principles in mind when the facts on hand are examined, we observe that the cause shown for the delay has been explained as the officials being involved in Special Summary Revision 2024 and also in the programme of "Sarkar Aapke Dwaar". Though the cause shown in the application for condonation of delay is casual, this Court cannot lose sight of the fact that the State being an impersonal machinery moves at a snail's pace, there will be no personal interest of the officials in withholding the file. Even when there is bureaucratic lethargy, the substantial justice cannot be sacrificed at the cost of public good. Under similar circumstances, this Court in the Case of *State of Nagaland vs Lipok Ao & Ors.*, 2005 (3) SCC 752 has held:

"12. In *O.P. Kathpalia v. Lakhmir Singh* [(1984) 4 SCC 66] a Bench of three Judges had held that if the refusal to condone the delay results in grave miscarriage of justice, it would be a ground to condone the delay. Delay was accordingly condoned. In *Collector, Land Acquisition v. Katiji* [(1987) 2 SCC 107] a Bench of two Judges considered the question of limitation in an appeal filed by the State and held that Section 5 was enacted in order to enable the court to do substantial justice to the parties by disposing of matters on merits. The expression "sufficient cause" is adequately elastic to enable the court to apply the law in a meaningful manner which subserves the ends of justice – that being the life purpose for the existence of the institution of courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other courts in the hierarchy. This Court reiterated that the expression "every day's delay must be explained" does not mean that a pedantic approach should be made. The doctrine must be applied in a rational, common-sense, pragmatic manner. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on

account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk. Judiciary is not respected on account of its power to legalise injustice on technical grounds but because it is capable of removing injustice and is expected to do so. Making a justice-oriented approach from this perspective, there was sufficient cause for condoning the delay in the institution of the appeal. The fact that it was the State which was seeking condonation and not a private party was altogether irrelevant. The doctrine of equality before law demands that all litigants, including the State as a litigant, are accorded the same treatment and the law is administered in an even-handed manner. There is no warrant for according a stepmotherly treatment when the State is the applicant. The delay was accordingly condoned."

7. In these circumstances, we are of the considered view that certain amount of latitude requires to be extended when administrative delay is pleaded. In the present case the facts unfolded would indicate that the cause for the delay has been explained namely it is contended that concerned officials were deputed on other official assignments. Thus, delay seems to be not intentional. The writ applicant who had succeeded before the learned Single Judge can be suitably compensated for espousing his cause in the appellate Court and before this Court by award of realistic cost of Rs.1,00,000/- payable by the State. The payment of cost to the writ applicant will be condition precedent for the appeal being taken up on Board and disposed of its own merit. It is made clear that we have not expressed any opinion on the merits and subject to the observations made hereinabove, the appeal is allowed. The impugned order dated 28.10.2024 passed in I.A. No.9029/2024 in L.P.A. (Filing) No.6893/2024 is set aside and the application filed under Section 5 of Act in I.A. No.9029/2024 in L.P.A. (Filing) No.6893/2024 stands allowed and intra-Court appeal

is returned to file of the High Court. The aforestated cost imposed shall be paid to the writ applicant within eight weeks from today and it is needless to state that the State would be at liberty to recover the cost from the officers responsible for the delay, if they deem fit.

8. Pending application(s), if any, stands consigned to the records.

.....J.
(ARAVIND KUMAR)

.....J.
(N.V. ANJARIA)

NEW DELHI;
SEPTEMBER 12, 2025.

[Arising out of impugned final judgment and order dated 28-10-2024 in IA No.9029/2024 28-10-2024 in LPA No.6893/2024 passed by the High Court of Jharkhand at Ranchi]

THE STATE OF JHARKHAND & ORS.

Petitioner(s)

VERSUS

AZADUL HAQUE & ANR.

Respondent(s)

FOR ADMISSION and I.R.

IA No. 212971/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

Date : 12-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIAFor Petitioner(s) : Mr. Kumar Anurag Singh, Standing Counsel, Adv.
Mr. Anando Mukherjee, AOR
Mr. Dev Aaryan, Adv.
Ms. Preety Ranjan, Adv.For Respondent(s) : Mr. Rajesh Anand, Adv.
Mr. Sriharsh Nahush Bundela, AOR
Mr. Anshuman Vashitha, Adv.
Ms. Radha, Adv.
Ms. Harleen Kaur, Adv.
Mr. Abhay Tripathi, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. Delay in refiling is condoned.
3. Civil Appeals are allowed in terms of the signed order placed on the file.
4. Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)
SENIOR PERSONAL ASSISTANT(AVGV RAMU)
COURT MASTER (NSH)