



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Judgment reserved on: 03.12.2025
Judgment pronounced on: 18.12.2025

+ RFA(OS) 70/2025, CM APPL. 72345/2025 (Ex.), CM APPL. 72346/2025 (Delay of 1883 days in filing the appeal) & CM APPL. 72347/2025 (Delay of 182 days in Re-filing the appeal)

SUNIL KUMAR

.....Appellant

Through: Mr. Kuldeep Kumar and Mr.
Nilofar Akhtar, Advs.

versus

RAJEEV SURI

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE ANIL KSHETARPAL****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Appeal, under Section 10 of the Delhi High Court Act, 1966, read with Section 96 read with Order XLI of the **Civil Procedure Code, 1908¹**, challenges the **Judgement dated 20.01.2020²** in the suit bearing CS (OS) No. 279/2018 passed by the learned Single Judge of this Court.

2. By way of the Impugned Judgement, the learned Single Judge adjudicated upon the said suit and partially decreed the Suit in favour

¹ CPC

² Impugned Judgement



of the Appellant and against the Respondent for the sum of Rs. 20,00,000/- (Rupees Twenty Lakh Only), while dismissing the suit for the relief of specific performance against the Appellant.

3. The present Appeal was initially filed on 16.04.2025 and was later re-filed on 15.11.2025. Therefore, the present Appeal is also accompanied by two Applications under Section 5 of **the Limitation Act, 1963**³, read with Section 151 of CPC.

4. The Application bearing C.M. No. 72346 of 2025, dated 04.04.2025, is filed seeking condonation of delay of 1883 days in filing the captioned Appeal.

5. In addition, the Application bearing C.M. No.72347 of 2025, dated 27.05.2025, is filed seeking condonation of delay of 182 days in re-filing the said Appeal, after it was returned with objections.

6. Before advertng to the merits of the present Appeal, we consider it appropriate to first adjudicate the accompanying applications seeking condonation of delay in filing as well as re-filing of the Appeal. The consideration of the merits of the Appeal is contingent upon the outcome of these two applications.

CONTENTIONS OF THE APPELLANT/APPLICANT:

7. The learned counsel for the Appellant has, in the first instance, submitted that the Impugned Judgement was passed on 20.01.2020 by the learned Single Judge of this Court. He fairly admitted that the Appeal ought to have been filed within the stipulated period of 90 days as per the provisions of Section 5 of the Limitation Act. However, he would submit that the same could not be filed owing to the COVID-19 pandemic and the consequent nationwide lockdown,

³ Limitation Act



which continued till June 2021.

8. The learned counsel for the Appellant, while placing reliance on the directions of the Hon'ble Supreme Court, urged that the period from 15.03.2020 to 28.02.2022 stood excluded for the purpose of computation of the limitation period, and the period of the limitation had, accordingly, commenced afresh from 01.03.2022.

9. The learned counsel has, in order to substantiate this contention, sought to derive support from the Judgement of the Hon'ble Supreme Court in *In re: Cognizance for extension of limitation (Suo Moto Writ Petition No.3 of 2020 dated 23.09.2021)*, particularly paragraph Nos. 3, 5(I) and 5 (III), which are reproduced herein below:

“3. Thereafter, due to a second surge in COVID-19 cases, the Supreme Court Advocates on Record Association (SCAORA) intervened in the Suo Motu proceedings by filing Miscellaneous Application No. 665 of 2021 seeking restoration of the order dated 23.03.2020 relaxing limitation. The aforesaid Miscellaneous Application No.665 of 2021 was disposed of by this Court *vide* Order dated 23.09.2021, wherein this Court extended the period of limitation in all proceedings before the Courts/Tribunals including this Court w.e.f 15.03.2020 till 02.10.2021.

5. Taking into consideration the arguments advanced by learned counsel and the impact of the surge of the virus on public health and adversities faced by litigants in the prevailing conditions, we deem it appropriate to dispose of the M.A.No. 21 of 2022 with the following directions:

I. The order dated 23.03.2020 is restored and in continuation of the subsequent orders dated 08.03.2021, 27.04.2021 and 23.09.2021, it is directed that the period from 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.

III. In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event the actual balance period of limitation remaining, with effect from



01.03.2022 is greater than 90 days, that longer period shall apply.”

10. Learned counsel for the Appellant would submit that the further delay from 01.03.2022 until the filing of this present Appeal was neither intentional nor deliberate, but occasioned by circumstances beyond the control of the Appellant. It would be submitted that the Appellant had lost eyesight vision from his right eye and underwent treatment at The Healing Touch Eye Centre, and in February 2022, the Appellant contracted Hepatitis C Virus and was admitted for treatment of the same in Maharaja Agrasen Hospital, Dwarka.

11. Learned counsel for the Appellant would further submit that the Appellant was diagnosed with hernia, for which he took the treatment, and in turn, underwent surgery at the Mata Chanan Devi Hospital. In addition, the Appellant also suffered from a knee ailment and received treatment from Ch. Brahm Prakash Ayurved Charak Sansthan. He was, thereafter, referred to Dr. Raju Kalra Clinic, where a knee surgery was advised.

12. Learned counsel for the Appellant, while placing reliance on *University of Delhi vs. Union of India & Ors.*⁴, would contend that it is a well-settled law that the Courts should adopt a liberal approach while considering applications for condonation of delay and that the *bona fide* conduct of a litigant must always be kept in view.

13. Learned counsel for the Appellant would also place reliance on the judgement of the Hon’ble Supreme Court in *Sheo Raj Singh (D) Thr. L.Rs. v. Union of India*⁵, wherein the Hon’ble Supreme Court affirmed the reasoning of the High Court that the law of limitation is founded on public policy and that some lapse on the part of a litigant,

⁴ (2020) 13 SCC 745

⁵ (2023) 10 SCC 531



by itself, would not be sufficient to deny condonation of delay, as it may result in miscarriage of justice.

14. Placing reliance on the said decision, it would further be contended that while adjudicating upon an application for condonation of delay, the Court must distinguish between an ‘excuse’ and an ‘explanation’, and that delay ought to be condoned where a ‘sufficient explanation’ is furnished, which the Appellant submits is satisfied in the present case. To conclude his arguments, the learned counsel for the Appellant would submit that where substantial justice and technical considerations are in conflict, the former must prevail.

ANALYSIS:

15. We have heard the learned counsel for the Appellant at length and, with his able assistance, perused the records along with the accompanying applications.

CM APPL. 72346/2025 (Delay of 1883 days in filing the appeal)

16. The present Application, under Section 5 of the Limitation Act, read with Section 151 of the CPC, has been filed seeking condonation of delay of 1883 days in filing the present Appeal.

17. At the outset, it is imperative to ascertain the point from which the period of limitation for preferring the present Appeal against the Impugned Judgement commenced.

18. Learned counsel for the Appellant has placed reliance on the judgement of the Hon’ble Supreme Court in *Suo Moto Writ Petition (C) No. 3/2020 (supra)*, particularly paragraph Nos. 3, 5(I) and 5(III), which are reproduced hereinbefore. In the said decision, the Hon’ble Supreme Court bearing in mind the difficulties faced by the litigants, directed that the period between 15.03.2020 and 28.02.2022 shall



stand excluded for the purposes of computing limitation, and that where limitation expired during the said period, a fresh limitation period would commence from 01.03.2022.

19. However, the reliance so placed is of no assistance to the present Application. We are of the view that the learned counsel for the Appellant has proceeded on an erroneous premise in submitting that the Appellant would derive the benefit of the above-stated directions issued by the Hon'ble Supreme Court. The Appellant has, rather misleadingly, contended that the period of limitation for filing an Appeal against the Impugned Judgement is 90 days and would, therefore, fall within the period excluded by the Hon'ble Supreme Court's order.

20. We are afraid that the Appellant cannot draw any advantage from the said relaxation extended by the Hon'ble Supreme Court. Under Article 117 of the Schedule appended to the Limitation Act, the period prescribed for filing an Appeal from a decree or order of any High Court to the same Court is 30 days, which in this case would conclude on 21.02.2020. The limitation for the present Appeal, therefore, expired well before 15.03.2020 and, indisputably, does not fall within the period between 15.03.2020 and 28.02.2022.

21. In that view of the matter, the contention of the learned counsel that the present Appeal's limitation clock started to tick only from 01.03.2022 and that the Appellant would benefit from the directions of the Hon'ble Supreme Court is, therefore, bereft of merit and cannot be sustained.

22. Having determined the date from which the period of limitation commenced, we now proceed to examine the principal grounds urged by the Appellant in support of this Application, whereby he has urged



medical grounds justifying the delay. The relevant portion of the Application is reproduced hereinbelow for ready reference:

“4. That it is submitted that the appellant had lost eyesight vision from his right eye for which has been taken treatment from The Healing Touch Eye Centre. Also in Feb. 2022, the appellant had fallen sick from Hepatitis C Virus for he was got admitted in Maharaj Agrasen Hospital Dwarka. Thereafter in Jan. 2024, the appellant got suffered from Hernia for which he had taken the treatment from Mata Chanan Devi Hospital where the appellant was operated. Besides this, the appellant has also got suffered from knees problem and he has taken the treatment from Ch. Brahm Prakash Ayurved Charak Sansthan from where he has referred to Dr. Raju Kalra Clinic and the doctor has advised for knee surgery. All the Medical History documents of the appellant are already annexed with the main appeal as **Annexure-P-15.**”

23. We have perused all the medical records accompanying this Application.

24. The learned counsel for the Appellant has, first and foremost, contended that the Appellant suffered from multiple ailments from time to time, including loss of vision in his right eye. The medical records, however, merely indicate low vision in the right eye, for which the Appellant underwent routine OPD consultations and check-ups on 01.08.2020, 29.09.2021, 24.11.2021 and 09.06.2025. These consultations did not require hospitalisation at any stage. We are afraid that four OPD consultations, on different occasions, spread over nearly five years, by no measure, either inspire our confidence or disclose a ‘sufficient cause’, which could have prevented the Appellant from approaching this Court and exercising his right to Appeal in a time bound manner.

25. Secondly, it has been submitted by the learned counsel that the Appellant contracted Hepatitis C Virus, for which he was admitted to Maharaja Agrasen Hospital, Dwarka. However, no medical record has been placed on record to substantiate such hospitalisation. In the



absence of even a single supporting document, the said submission is unsubstantiated and cannot be taken into account.

26. Thirdly, the submission of the Appellant in this Application states that he suffered from a hernia in January 2024, for which he had taken treatment and underwent surgery at Mata Chanan Devi Hospital. However, in his affidavit dated 24.11.2025, it is stated that he suffered from a Hernia in the year 2022, for which he was admitted and treated at Maharaja Agrasen Hospital, Dwarka, New Delhi, and was, thereafter, advised two months' bed rest on account of depression arising from his illness.

27. The contradictory versions furnished by the Appellant regarding the year of illness, the hospital, and the nature of treatment materially undermine the credibility of the explanation and compel this Court to view the plea with considerable circumspection and cast a serious doubt on the *bona fides* with which the Appellant has approached this Court.

28. Having said that, the perusal of the medical records makes it clear that the Appellant was admitted to Maharaja Agrasen Hospital, Dwarka, on 09.02.2022 for a surgical procedure for treatment of Umbilical Hernia, and was discharged in a stable condition on 11.02.2022. The plea that he thereafter remained in a depressed state, bereft of any medical corroboration, is unpersuasive. With the exception of the fact and explanation that the Appellant was admitted to the Hospital for two days, all other explanations do not commend themselves to the Court.

29. Further, the learned counsel for the Appellant submitted that the Appellant suffered from a knee problem, the treatment for which has been continued from 04.08.2020 to this date. The medical records,



though, show consultations on various dates in various clinics, but do not suggest any admission to a Hospital or any diagnosis or any advice from any medical practitioner which would prevent the Appellant from approaching this Court.

30. Furthermore, the submission of the learned counsel for the Appellant that the Appellant has been suffering from a skin ailment since 25.02.2023, which is continuing till date, and for which two undated clinic prescriptions have been annexed, does not inspire the confidence of this Court to accept that any such condition prevented the Appellant from approaching this Court. We are of the view that the explanation is neither *bona fide* nor sufficient.

31. The Appellant further contended that he has been suffering from a heart problem and took treatment from Akash Health Care Super Speciality Hospital and Venketashwar Hospital in June 2024. Appellant's coronary angiography was conducted, and he was advised for dual chamber permanent pacemaker implantation and for which, as per the medical records, the Appellant was admitted to the Akash Health Care Super Speciality Hospital for three days from 08.06.2024 to 11.06.2024 and was thereafter discharged in a stable condition. He was again admitted to Venkateshwar Hospital for one day from 21.06.2024 to 22.06.2024. We are of the considered view that, except for these brief periods of hospitalisation, the Appellant falls far short of demonstrating any inability to pursue legal remedies.

32. In addition, the learned counsel for the Appellant in response to the Court's query, regarding the exact time-period of hospitalisation of the Appellant, admittedly, without giving any exact number of days, stated that the hospitalisation was not more than 30 days, cumulatively, out of the total delay of 1883 days, which the Appellant



seeks condonation of *vide* the present application.

33. On perusal of all the medical records, the exact number of days of hospitalisation of the Appellant is seven days, out of the colossal delay of 1883 days, which the Appellant seeks condonation of. Even if the submission of the learned counsel is presumed, for the sake of argument, that the Appellant was suffering from various medical issues for 30 days, let alone seven days of hospital admission, it still leaves 1853 days of unexplained and inordinate delay in filing the said Appeal.

34. We would like to reiterate the principles as laid down in the Judgement rendered by the Hon'ble Supreme Court in ***Pathapati Subba Reddy (Died) By L.Rs. and Others v Special Deputy Collector (LA)***⁶. The relevant paragraph of the same is reproduced herein for ready reference:

“23. In ***Basawaraj v. Special Land Acquisition Officer***, 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.

35. In continuation of this reasoning, the Apex Court made the following observation in paragraph Nos. 15 and 26 of ***Pathapati Subba Reddy (supra)***:

“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

⁶ (2024) SCC OnLine SC 153



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)

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

- (i) 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;
- (ii) 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;
- (iii) 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;
- (iv) 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;
- (v) 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 facts such as, where there is inordinate delay, negligence and want of due diligence;
- (vi) 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;
- (vii) Merits of the case are not required to be considered in condoning the delay; and
- (viii) 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, tantamount to disregarding the statutory provision.”



36. A plain reading of the application, along with perusal of the various medical records and prescription annexed to the application, indicates that there is no explanation, whatsoever, for the period of delay from date of passing the Impugned Judgement and the date of filing the present Appeal, except certain prescriptions and medical records substantiating admission in hospital for a total of seven days, on various instances out of the said period of 1883 days.

37. Further, we would like to distinguish the two decisions on which the learned counsel for the Appellant heavily relied.

38. The learned counsel for the Appellant has placed reliance on *University of Delhi (supra)*, the relevant paragraphs of which are reproduced hereinafter. The Hon'ble Supreme Court in the same case observed that, even though a liberal approach is to be taken while dealing with matters of condonation of delay, even in such cases, condoning such a colossal delay should not be automatic since the right accrued to the opposite party must also be kept into perspective. The Hon'ble Supreme Court further observed that a routine explanation would not suffice; rather, the explanation must disclose 'sufficient cause' to justify the delay, which must be assessed in the backdrop of the facts of each case and the reasoning offered for such delay. The relevant extracts are produced herein:

“20. The learned Senior Counsel for the appellant in order to impress upon this Court the principle relating to consideration of “sufficient cause” for condonation of delay and the factors that are required to be kept in view, has relied on the decision in *LAO v. Katiji* [*LAO v. Katiji*, (1987) 2 SCC 107] wherein it is held as hereunder: (SCC pp. 108-09, para 3)

“3. The legislature has conferred the power to condone delay by enacting Section 5 [Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 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.] of the Limitation Act, 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 realised 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 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 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-nongrata 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.”

(emphasis in original)

23. From a consideration of the view taken by this Court through the decisions cited supra the position is clear that, by and large, a liberal approach is to be taken in the matter of condonation of delay. The consideration for condonation of delay would not depend on the status of the party, namely, the Government or the public bodies so as to apply a different yardstick but the ultimate consideration should be to render even-handed justice to the parties. Even in such case the condonation of long delay should not be automatic since the accrued right or the adverse consequence to



the opposite party is also to be kept in perspective. In that background while considering condonation of delay, the routine explanation would not be enough but it should be in the nature of indicating “sufficient cause” to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the courts based on the fact situation. In *Katiji* [*LAO v. Katiji*, (1987) 2 SCC 107] the entire conspectus relating to condonation of delay has been kept in focus. However, what cannot also be lost sight of is that the consideration therein was in the background of dismissal of the application seeking condonation of delay in a case where there was delay of four days pitted against the consideration that was required to be made on merits regarding the upward revision of compensation amounting to 800%.”

39. Similarly, the Appellant has also placed reliance on *Sheo Raj Singh* (*supra*), while contending that a liberal approach be taken by the courts while deciding an application for condonation of delay. However, the Hon’ble Supreme Court in the same judgement, while analysing the contentions of the parties, reiterated that condonation of delay being a discretionary power available to the Courts, its exercise must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation. It went on to emphasise that the duration of the delay is immaterial, sometimes even a delay of the shortest time period may not be condoned due to want of ‘sufficient cause’ or an acceptable explanation and sometimes delay of long periods can be condoned if explanation is satisfactory and acceptable. The relevant extracts are produced hereinbelow:

“29. Considering the aforementioned decisions, there cannot be any quarrel that this Court has stepped in to ensure that substantive rights of private parties and the State are not defeated at the threshold simply due to technical considerations of delay. However, these decisions notwithstanding, we reiterate that condonation of delay being a discretionary power available to courts, exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial. Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can



be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an ‘explanation’ and an ‘excuse’. An ‘explanation’ is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. Care must however be taken to distinguish an ‘explanation’ from an ‘excuse’. Although people tend to see ‘explanation’ and ‘excuse’ as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real. An ‘excuse’ is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an ‘excuse’ would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication.”

40. In view of the aforesaid decision of the Hon’ble Supreme Court, we believe that there is no cavil to the proposition that while considering an application for condonation of delay, the Court must adopt a ‘liberal approach’ and ought not to adopt a hyper-technical approach. That being said, the law nevertheless requires the Applicant to furnish a reasonable, credible, and cogent explanation for the period sought to be condoned. In the present case, no such explanation or ‘sufficient cause’ is forthcoming, much less one that inspires the confidence of this Court, which can sufficiently explain the cause of the magnanimous delay of 1883 days.

41. It is trite in law that delay cannot be condoned as a matter of generosity or benevolence. The quest for substantial justice cannot be permitted to eclipse the corresponding right of the opposing party to be free from undue prejudice occasioned by protracted and unexplained inaction. In the present case, the Appellant has failed to



disclose any reasonable or cogent explanation for the enormous delay of 1883 days in pursuing their remedies. This foundational requirement for invoking this Court's discretionary power to condone the delay thus remains wholly unfulfilled.

42. In view of the facts, circumstances, and legal position delineated hereinbefore, we are unable to persuade ourselves to condone the delay in filing of the present Appeal; accordingly, the present Application, seeking condonation of delay in filing the Appeal, stands rejected.

CM APPL. 72347/2025 (Delay of 182 days in Re-filing the Appeal)

43. The rejection of the Application for condonation of delay in filing would, by itself, suffice for the purpose of dismissing the present Appeal. Nevertheless, we consider it appropriate to address the application for condonation of delay in re-filing for the sake of completeness.

44. The present Appeal was first filed by the Appellant on 16.04.2025. The same was returned due to defects in the Appeal, multiple times, by the Registry of this Court, leading to another enormous delay of 182 days in re-filing of the Appeal.

45. The learned counsel for the Appellant submits that there has been a delay of 182 days in re-filing of the Appeal due to 'some' medical problems and financial crisis, as the Appellant was allegedly unable to arrange funds for payment of court fees. However, no material or contentions have been placed on record to substantiate these assertions.

46. The alleged medical difficulty, in addition to those already stated hereinabove, it is submitted, was that, the Appellant sustained



an injury on 29.08.2025, where three of his fingers were cut by a stone grinder, while at work, for which he received treatment at Mata Chanan Devi Hospital, on 29.08.2025. As per the medical records, he underwent plastic surgery on 30.08.2025 and remained admitted for one day, i.e., from 30.08.2025 to 31.08.2025. He further attended follow-up consultations at the same hospital on 02.09.2025, 06.09.2025, 13.09.2025 and 18.09.2025, during which the injury was consistently noted to be healing well and described as 'OK', with no advice beyond routine medications.

47. Consequently, there is an unexplained delay of 182 days, without any 'sufficient cause' being shown. The records of the Registry of this Court further indicate an apparent lackadaisical approach of the Appellant, wherein multiple defects have arisen in the Appeal from time to time, which were also not cured promptly. The Appeal was finally re-filed, absolved from all the defects on 15.11.2025, after being initially filed on 16.04.2025.

48. We are afraid that this Application too would have to suffer a similar fate as the Application for condonation of delay in filing the Appeal, since no sufficient cause has been put forth by the Applicant/Appellant for the delay in re-filing the present Appeal.

49. Consequently, the present Application seeking condonation of delay in re-filing also stands rejected.

RFA(OS) 70/2025 & CM APPL. 72345/2025 (Ex.)

50. As a necessary corollary, and as a result of the Appellant being unable to substantiate the entertaining of the Appeal on merits, having failed to satisfy this Court on the threshold mandate of approaching the Court in a diligent and time boundmanner, without entering into



2025:DHC:11477-DB



the arena of a determination of the Appeal on merits, the present Appeal stands dismissed.

51. Accordingly, the present Appeal, along with pending Application(s), if any, shall stand disposed of in the aforesaid terms.

52. No order as to costs.

ANIL KSHETARPAL, J.

HARISH VAIDYANATHAN SHANKAR, J.
DECEMBER 18, 2025/dj/va/her