(2025) 10 JH CK 0062

Jharkhand HC

Case No: Civil Review No. 132 Of 2025

Union of India through General Manager	APPELLANT
Vs	
Deglal, S/o. Megh Lal	RESPONDENT

Date of Decision: Oct. 16, 2025

Acts Referred:

- Code of Civil Procedure, 1908 — Order 22 Rule 9
- Limitation Act, 1963 — Section 5, 14

Hon'ble Judges: Sujit Narayan Prasad, J; Pradeep Kumar Srivastava, J

Bench: Division Bench

Advocate: Bakshi Vibha

Final Decision: Dismissed

Judgement

1. The instant application has been filed for condonation of delay of 299 days in filing the instant case.

2. Learned counsel for the petitioner has submitted that the instant Civil Review has been filed for review of order dated 24.01.2024 passed in C.M.P. No. 301 of 2021.

3. Learned counsel for the petitioner has submitted that after passing of the order in C.M.P. No. 301 of 2021 dated 24.1.2024, the case status was informed to the concerned Department. Thereafter the Department asked to obtain certified copy of the same. Accordingly, on 22.5.2024 after obtaining certified copy of the order, the concerned Department of the petitioners asked for opinion regarding the order passed in C.M.P. No. 301/2021, thereafter the opinion was sent to the Department.

4. It has been submitted that the petitioners after receiving the opinion along with the copy of order passed in C.M.P. No. 301 of 2021 put up the matter before the Authority at different level and after taking administrative decision by the Department it was decided for filing of Civil Review against the order dated 24.1.2024. Thereafter the decision taken by the Department/Petitioners was

communicated to the counsel.

5. It has been submitted that when the decision for filing civil review was communicated to the petitioner's advocate, at that time the counsel was out of station due to sudden illness of one of the family members. But it was unfortunate that the member who was the close relative of the Advocate breathed her last on 26.9.2024 due to cancer. Therefore, the petition could not be drafted because the concerned counsel was mentally disturbed. So, after Durga Puja vacation the review petition was drafted and sent to the Department for vetting and immediately when it was received it was affidavited and filed on 18.12.2024 which caused delay of 299 days in filing the instant civil review.

6. Submission has been made that there was no deliberate laches or negligence on the part of the petitioner (Railway) in filing the Civil Review petition after 299 days of expiry of the limitation period.

7. It has been submitted that if the delay is not condoned in filing the review petition, then the petitioner will suffer irreparable loss which cannot be compensated in terms of money specially when greater public importance is involved.

8. There is no dispute about the fact that generally the lis is not to be rejected on the technical ground of limitation but certainly if the filing of an application suffers from inordinate delay, then the duty of the Court is to consider the application to condone the delay before entering into the merit of the lis.

9. It requires to refer herein that the Law of limitation is enshrined in the legal maxim interest reipublicae ut sit finis litium (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties, rather the idea is that every legal remedy must be kept alive for a legislatively fixed period of time, as has been held in the judgment rendered by the Hon'ble Apex Court in *Brijesh Kumar & Ors. Vrs. State of Haryana & Ors.*, (2014) 11 SCC 351.

10. The Privy Council in *General Accident Fire and Life Assurance Corpn. Ltd. v. Janmahomed Abdul Rahim*, (1939-40) 67 IA 416, relied upon the writings of Mr. Mitra in Tagore Law Lecturers, 1932, wherein, it has been said that:

"A Law of limitation and prescription may appear to operate harshly and unjustly in a particular case, but if the law provides for a limitation, it is to be enforced even at the risk of hardship to a particular party as the Judge cannot, on equitable grounds, enlarge the time allowed by the law, postpone its operation, or introduce exceptions not recognized by law.

11. In *P.K. Ramachandran v. State of Kerala, (1997) 7 SCC 556*, the Apex Court while considering a case of condonation of delay of 565 days, wherein no explanation much less a reasonable or satisfactory explanation for condonation of delay had been given, held at paragraph-6 as under

"6. Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the courts have no power to extend the period of limitation on equitable grounds."

12. While considering the similar issue, this Court in *Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12 SCC 649,* wherein, it has been held as under:

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

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

21.9. (ix) the conduct, behavior 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.

22.4. (d) The increasing tendency to perceive delay as a non-serious matter and, hence, lackadaisical propensity can be exhibited in a nonchalant manner requires to be curbed, of course, within legal parameters."

13. It is settled position of Law that when a litigant does not act with bona fide motive and at the same time, due to inaction and laches on its part, the period of limitation for filing the appeal expires, such lack of bona fide and gross inaction and negligence are the vital factors which should be taken into consideration while considering the question of condonation of delay.

14. Reference in this regard may be made to the judgment rendered by the Division Bench of Gujarat High Court in *State of Gujarat through Secretary & Anr. Vrs. Kanubhai Kantilal Rana, 2013 SCC Online Guj. 4202*, wherein, at pargraph-17, it has been held that "*Law having prescribed a fixed period of limitation of 30 days for preferring the appeal, the Government cannot ignore the provisions of the period of limitation as it was never the intention of the legislature that there should be a different period of limitation when the Government is the appellant."*

15. The Hon'ble Apex Court in *Ramlal, Motilal and Chhotelal Vrs. Rewa Coalfields Ltd., (1962) 2 SCR 762*, has held that merely because sufficient cause has been made out in the facts of the given case, there is no right to the appellant to have delay condoned. At paragraph-12, it has been held as hereunder:-

"12. It is, however, necessary to emphasise that even after sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the court by Section 5. If sufficient cause is not proved nothing further has to be done; the application for condoning delay has to be dismissed on that ground alone. If sufficient cause is shown then the court has to enquire whether in its discretion it should condone the delay. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage that diligence of the party or its bona fides may fall for consideration; but the scope of the enquiry while exercising the discretionary power after sufficient cause is shown would naturally be limited only to such facts as the court may regard as relevant. It cannot justify an enquiry as to why the party was sitting idle during all the time available to it. In this connection we may point out that considerations of bona fides or due diligence are always material and relevant when the court is dealing with applications made under Section 14 of the Limitation Act. In dealing with such applications the court is called upon to consider the effect of the combined provisions of Sections 5 and 14. Therefore, in our opinion, considerations which have been expressly made material and relevant by the provisions of Section 14 cannot to the same extent and

in the same manner be invoked in dealing with applications which fall to be decided only under Section 5 without reference to Section 14. In the present case there is no difficulty in holding that the discretion should be exercised in favour of the appellant because apart from the general criticism made against the appellant's lack of diligence during the period of limitation no other fact had been adduced against it. Indeed, as we have already pointed out, the learned Judicial Commissioner rejected the appellant's application for condonation of delay only on the ground that it was appellant's duty to file the appeal as soon as possible within the period prescribed, and that, in our opinion, is not a valid ground.

16. In the case of *Post Master General & Ors. Vrs. Living Media India Limited & Anr., [(2012) 3 SCC 563],* it has been held by the Hon'ble Apex Court at paragraphs 27 to 29 as under

"27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few."

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18. Thus, it is evident that while considering the delay condonation application, the Court of Law is required to consider the sufficient cause for condonation of delay as also the approach of the litigant as to whether it is bona fide or not as because after expiry of the period of limitation, a right is accrued in favour of the other side and as such, it is necessary to look into the bona fide motive of the litigant and at the same time, due to inaction and laches on its part.

19. It also requires to refer herein that what is the meaning of „sufficient cause'. The consideration of meaning of 'sufficient cause' has been made in *Basawaraj & Anr. Vrs. Spl. Land Acquisition Officer, [(2013) 14 SCC 81],* wherein, it has been held by the Hon'ble Apex Court at paragraphs 9 to 15 hereunder:-

"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 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 [AIR 1964 SC 1336] , Mata Din v. A. Narayanan [(1969) 2 SCC 770 : AIR 1970 SC 1953] , Parimal v. Veena [(2011) 3 SCC 545 : (2011) 2 SCC (Civ) 1 : AIR 2011 SC 1150] and Maniben Devraj Shah v. Municipal Corpn. of Brihan Mumbai [(2012) 5 SCC 157 : (2012) 3 SCC (Civ) 24 : AIR 2012 SC 1629] .)

10. In Arjun Singh v. Mohindra Kumar [AIR 1964 SC 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 than 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) 1 SCC 535 : AIR 2002 SC 100] and Ram Nath Sao v. Gobardhan Sao [(2002) 3 SCC 195 : AIR 2002 SC 1201] .)

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. 28, p. 266:

"605. Policy of the 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. SBI Staff Assn. [(2005) 7 SCC 510] , Rajender Singh v. Santa Singh [(1973) 2 SCC 705 : AIR 1973 SC 2537] and Pundlik Jalam Patil v. Jalgaon Medium Project [(2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907]

14. In P. Ramachandra Rao v. State of Karnataka [(2002) 4 SCC 578 : 2002 SCC (Cri) 830 : AIR 2002 SC 1856] 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 Abdul Rehman Antulay v. R.S. Nayak [(1992) 1 SCC 225 : 1992 SCC (Cri) 93 : AIR 1992 SC 1701] .

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."

20. Thus, it is evident that the 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 deliberately" 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 the ulterior purpose as has been held in *Manindra Land and Building Corporation Ltd. Vrs. Bhutnath Banerjee & Ors., AIR 1964 SC 1336, Lala Matadin Vrs. A. Narayanan, (1969) 2 SCC 770, Parimal Vrs. Veena @ Bharti, (2011) 3 SCC 545 and Maniben Devraj Shah Vrs. Municipal Corporation of Brihan Mumbai, (2012) 5 SCC 157.*

21. It has further been held in the aforesaid judgments 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 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, reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in *Ram Nath Sao @ Ram Nath Sahu & Ors. Vrs. Gobardhan Sao & Ors., (2002) 3 SCC 195*, wherein, at paragraph-12, it has been held as hereunder:-

"12. Thus it becomes plain that the expression "sufficient cause" within the meaning of Section 5 of the Act or Order 22 Rule 9 of the Code or any other similar provision should receive a liberal construction so as to advance substantial justice when no negligence or inaction or want of bona fides is imputable to a party. In a particular case whether explanation furnished would constitute "sufficient cause" or not will be dependent upon facts of each case. There cannot be a straitjacket formula for accepting or rejecting explanation furnished for the delay caused in taking steps. But one thing is clear that the courts should not proceed with the tendency of finding fault with the cause shown and reject the petition by a slipshod order in over-jubilation of disposal drive. Acceptance of explanation furnished should be the rule and refusal, an exception, more so when no negligence or inaction or want of bona fides can be imputed to the defaulting party. On the other hand, while considering the matter the courts should not lose sight of the fact that by not taking steps within the time prescribed a valuable right has accrued to the other party which should not be lightly defeated by condoning delay in a routine-like manner. However, by taking a pedantic and hypertechnical view of the matter the explanation furnished should not be rejected when stakes are high and/or arguable points of facts and law are involved in the case, causing enormous loss and irreparable injury to the party against whom the lis terminates, either by default or inaction and defeating valuable right of such a party to have the decision on merit. While considering the matter, courts have to strike a balance between resultant effect of the order it is going to pass upon the parties either way."

22. This Court, after considering the aforesaid proposition and the explanation furnished in the delay condonation application to condone the inordinate delay of 299 days, is proceeding to examine as to whether the explanation furnished can be said to be sufficient explanation for condoning the delay.

23. It is evident from the judgments referred hereinabove, wherein, expression „sufficient cause' has been dealt with which 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 deliberately" or "remained inactive"

24. Admittedly, the instant Civil Review has been filed for review of order dated 24.01.2024 passed in C.M.P. No. 301 of 2021. The said CMP No. 301 of 2021 was filed for restoration of writ petition being W.P.(S) No. 6863 of 2013 which stood dismissed for non-prosecution on 27.04.2017. It is evident that even the restoration application i.e., C.M.P. No. 301 of 2021 was filed after delay of more than four years and the court, considering the fact that restoration application has been filed after delay of more than four years and no satisfactory explanation has been furnished in the petition, dismissed the said CMP No. 301 of 2021, against which the review application has been filed but after delay of 299 days.

25. In the instant civil review, an Interlocutory Application being I.A. No. 6474 of 2025 has been filed for condonation of delay wherein the cause has been explained that the for taking decision to file review petition the file moved from one table to another of the department concerned and further when the file was allotted to the counsel due to medical issue in the family of the concerned counsel, the review application could not be filed in time.

26. So far as the explanation to the effect that for filing review the file moved from one table to another, the Hon'ble Apex Court in the case of *Post Master General & Ors. Vrs. Living Media India Limited & Anr. (supra)* has deprecated the same and has observed that the law of limitation undoubtedly binds everybody, including the Government, so the ground which has been taken by the petitioner-railway cannot be accepted.

27. This Court, considering the reason given in the petition, is of the view that the explanation which has been furnished by the applicant in the delay condonation application, cannot be said to be sufficient cause to condone the inordinate delay of 299 days.

28. This Court, after taking into consideration the ratio laid by the Hon'ble Apex Court in the judgments referred hereinabove as also the explanation furnished in the delaycondonation application, is of the view that no sufficient cause has been shown to condone inordinate delay of 299 days in filing the civil review.

29. Accordingly, the delay condonation application being I.A. No. 6474 of 2025 is hereby dismissed.

30. In consequence thereof, the instant Civil Review stands dismissed.