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

Reserved on: 10th November, 2025
Pronounced on: 18th December, 2025

\+ RFA 617/2019 & CM APPL. 30376/2019, CM APPL. 30377/2019 & CM APPL. 5418/2023

N PRAKASH .....Appellant

Through: Ms. Zeba Khair and Ms. Tanu Priya Jaiswal, Advs.
Mob: 9953779565

versus

M/S CONSOLIDATED CARPET INDUSTRIES LTD. .....Respondent

Through: Mr. Aditya Bharech, Adv.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

JUDGEMENT

CM APPL. 30376/2019 (For condonation of delay in filing the appeal)

1. The present appeal has been filed challenging the review order dated 26th September, 2016 in the suit bearing *CS No. 353/2015 (Old No. 147/2011)*, passed by the Additional District Judge-05, South District, Saket Court, New Delhi, in the case titled as *"M/s Consolidated Carpets Industries Ltd. Versus Sh. N. Prakash*". The appeal has been filed along with the present application being *CM APPL. 30376/2019*, seeking condonation of delay of 922 days.

2. The respondent/plaintiff, i.e., *M/s Consolidated Carpet Industries Ltd.* had initially filed a suit bearing *CS No. 353/2015 (Old No. 147/2011)* against the appellant/defendant, i.e., Sh. N. Prakash, seeking a decree of Rs.

3,39,852/-, along with interest. The Trial Court, *vide* final judgment and decree dated 30th September, 2015, decreed the suit in favour of the respondent by holding that the appellant was liable to the respondent to the extent of Rs. 16,861.46/- along with interest @6% per annum.

3. Aggrieved by the aforesaid judgment dated 30th September, 2015, the respondent filed a review application being *M. No. 8751/2016* before the Trial Court. The review application filed by the respondent was allowed by the Trial Court *vide* order dated 26th September, 2016, thereby, holding that the respondent was entitled for a sum of Rs. 3,39,852/-, as claimed by the respondent in the suit. Thus, the said review order has been impugned in the present appeal.

4. The present appeal has been filed with a delay of 922 days. As regards its prayer for condonation of delay, the appellant has sought to justify the delay in filing the appeal on the ground that the appellant's counsel shifted office and consequently lost certain documents/papers pertaining to the present case. Further, the appellant, being a resident of Bangalore, could not follow up on the case. The submissions made by the appellant, elucidating the reasons for not filing the appeal within time, as encapsulated in the present application seeking condonation for delay, are reproduced as under:

> *"xxx xxx xxx*
>
> *3.* ***That the Appellant thereafter filed an Appeal vide diary No. 58981/2017, which was taken out in objection. That the Counsel for the Appellant took the aforesaid Appeal from the registry as it was lying there in objection. In the mean while Counsel for the Appellant was shifting to a new office and during the course of shifting the Counsel lost track of the Appeal and since the Appellant lives in Bangalore, even he could not follow up, that it was only after receiving a summon from a Execution Court, the Appellant realized his grave mistake.***

4. ***That the Appeal could not be filed sooner as the Advocate of the Applicant was moving office and some of the documents in respect of the present case went untraceable for a certain period of time. Further, delay was also occasioned due to the fact that the Applicant is a permanent resident of Bangalore and could not follow up, it was only after receiving a summon from a Executing Court in Bengaluru, the Applicant/ Appellant realised about the pending appeal which was yet to be filed in the High Court of Delhi.***

5. ***It is respectfully submitted that the above Appeal could not be filed within the stipulated period of ninety days from 26/09/2016 due to the aforesaid bona fide reasons/sufficient cause that were beyond the control of the Applicant****. The Applicant most humbly prays before this Hon'ble Court to condone the delay in filing the present Appeal.*

6. That the Applicant has a very strong case and has raised a significant question of law in the Appeal and is very likely to succeed in the above Appeal. The balance of convenience is in favour of the Applicant and against the Non-Applicant. The Applicant will suffer irreparable loss and injury unless the Impugned Order is set aside and the Applicant is granted an opportunity to defend itself on the merits of the case.

7. That the present Application is bona fide and in the interest of justice."

(Emphasis Supplied)

5. Considering the aforesaid averments made on behalf of the appellant, it is evident that the appellant has failed to show any sufficient cause for condoning the colossal delay of 922 days in filing the present appeal. In addition to the same, vague averments have been made by the appellant that the papers of the case were misplaced when the counsel was shifting the office, and that the appellant being a resident of Bangalore, could not follow up on the case. The explanation offered by the appellant is insufficient and is not satisfactory, and accordingly is not acceptable. No doubt that the Court is vested with the authority to exercise its discretion to condone delay, however, existence of sufficient cause for not filing the appeal in time, is a condition precedent for exercising such discretion for condoning the delay. If negligence, inaction or lack of *bona fide* is writ large, and a party is not

found to have acted diligently or has remained inactive, then, the Court would not exercise its discretion for condoning the delay. In such cases, there would be no justified ground to condone the delay. Further, it is also a settled proposition of law that merits of the case are not required to be considered in condoning the delay.

6. Elucidating the legal position while dealing with cases of condonation of delay, the Supreme Court in the case of ***Pathapati Subba Reddy (Died) by Legal Representatives and Others Versus Special Duty Collector (LA)***[1], held as follows:

> *"xxx xxx xxx*
>
> ***25. In Basawaraj v. LAO [Basawaraj v. LAO, (2013) 14 SCC 81], 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.*
>
> ***26.*** *It would be beneficial to quote para 12 of the aforesaid decision in Basawaraj case [Basawaraj v. LAO, (2013) 14 SCC 81] which clinches the issue of the manner in which equilibrium has to be maintained between adopting liberal approach and in implementing the statute as it stands. Para 12 reads as under: (SCC pp. 86-87)*
>
> > *"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.***

[1] ***(2024) 12 SCC 336***

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.*"*

27. *This Court in the same breath in the same very decision vide para 15 went on to observe as under: (Basawaraj case [Basawaraj v. LAO, (2013) 14 SCC 81] , SCC pp. 87-88)*

"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.****"***

(Emphasis Supplied)

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 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.*

xxx xxx xxx"

(Emphasis Supplied)

7. Similarly, the Supreme Court in the case of ***Union of India and Another Versus Jahangir Byramji Jeejeebhoy(D) Through His Lr***[2], analysed the principles of law while condoning delay in filing appeals. It held that while considering the plea for condonation of delay, the Court must not start with the merits of the main matter. The Court owes a duty to first ascertain the *bona fides* of the explanation offered by the party seeking condonation. Lack of *bona fides* imputable to the party seeking condonation of delay is a significant and relevant fact. Thus, the Supreme Court in the aforesaid case, has held as follows:

"xxx xxx xxx

26. ***The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay***

[2] ***2024 SCC OnLine SC 489***

and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

27. *We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.*

xxx xxx xxx

31. *In the case of Lanka Venkateswarlu (D) by LRs v. State of Andhra Pradesh, (2011) 4 SCC 363, this Court made the following observations:*

> *"20. In N. Balakrishnan, [(1998) 7 SCC 123] this Court again reiterated the principle that : (SCC p. 127, para 11)*
>
> *"11. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that [the] parties do not resort to dilatory tactics, but seek their remedy promptly."*
>
> *21 to 27……*
>
> *28. We are at a loss to fathom any logic or rationale, which could have impelled the High Court to condone the delay after holding the same to be unjustifiable.* ***The concepts such as "liberal approach", "justice oriented approach", "substantial justice" cannot be employed to jettison the substantial law of limitation. Especially, in cases where the court concludes that there is no justification for the delay****. In our opinion, the approach adopted by the High Court tends to show the absence of judicial balance and restraint, which a Judge is required to maintain whilst adjudicating any lis between the parties. We are rather pained to notice that in this case, not being satisfied with the use of mere intemperate language, the High Court resorted to blatant sarcasms.*
>
> *29. The use of unduly strong intemperate or extravagant language in a judgment has been repeatedly disapproved by this Court in a number of cases. Whilst considering applications for condonation of delay under Section 5 of the Limitation Act, the courts do not*

enjoy unlimited and unbridled discretionary powers. ***All discretionary powers, especially judicial powers, have to be exercised within reasonable bounds, known to the law. The discretion has to be exercised in a systematic manner informed by reason. Whims or fancies; prejudices or predilections cannot and should not form the basis of exercising discretionary powers****."*

xxx xxx xxx

33. *In the case of Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy, (2013) 12 SCC 649, this Court made the following observations:*

"21. From the aforesaid authorities the principles that can broadly be culled out are:

21.1. (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.

21.2. ***(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.***

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

21.4. (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.

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

21.6. (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.

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.

21.8. (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.

21.9. ***(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.***

21.10. ***(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.***

21.11. ***(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.***

21.12. (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.

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

22. To the aforesaid principles we may add some more guidelines taking note of the present day scenario. They are:

22.1. (a) An application for condonation of delay should be drafted with careful concern and not in a haphazard manner harbouring the notion that the courts are required to condone delay on the bedrock of the principle that adjudication of a lis on merits is seminal to justice dispensation system.

22.2. (b) An application for condonation of delay should not be dealt with in a routine manner on the base of individual philosophy which is basically subjective.

22.3. (c) Though no precise formula can be laid down regard being had to the concept of judicial discretion, yet a conscious effort for achieving consistency and collegiality of the adjudicatory system should be made as that is the ultimate institutional motto.

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."***

xxx xxx xxx"

(Emphasis Supplied)

8. The appellant has made an endeavour to explain the delay on the ground, that the counsel for the appellant, while shifting to a new office, misplaced the documents related to the appeal, and lost track of the appeal. However, such plea cannot be accepted *qua* the appellant, since he is not an uneducated person, who is unaware of his legal rights and remedies. The appellant is a businessman staying in a metropolitan city and not an illiterate or a layman, who does not understand the significance and pertinence of following up on his case, once assigned to a counsel.

9. It is also relevant to note that in the present case, the appellant had also instituted a suit against the respondent, being *CS No. 5898/2011* in District Court, Bangalore, seeking a decree against the respondent for Rs. 1,95,201/-, along with interest. The said suit was dismissed on 06th September, 2019 as non-maintainable on the principles of *res judicata*. It is relevant to note that the appellant herein was pursuing his case against the same party, i.e., the respondent herein in a different jurisdiction. In the facts and circumstances of the present case, it is evident that the appellant did not timely pursue the present appeal by deliberate design, and not on account of any carelessness or negligence by his lawyer. In this regard, reference may be made to the judgment of the Supreme Court in the case of ***Rajneesh Kumar and Another Versus Ved Prakash***[3], wherein, it has been held as follows:

> *"xxx xxx xxx*
>
> ***10. <u>It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a</u>***

[3] ***2024 SCC OnLine SC 3380***

moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief*.*

xxx xxx xxx"

(Emphasis Supplied)

10. Likewise, while rejecting the plea for condonation of delay on the ground of negligence of an advocate, the Supreme Court in the case of ***Salil Dutta Versus T.M. and M.C. Private Ltd.***[4], has held as follows:

"xxx xxx xxx

8. The advocate is the agent of the party. His acts and statements, made within the limits of authority given to him, are the acts and statements of the principal i.e. the party who engaged him. It is true that in certain situations, the court may, in the interest of justice, set aside a dismissal order or an ex parte decree notwithstanding the negligence and/or misdemeanour of the advocate where it finds that the client was an innocent litigant but there is no such absolute rule that a party can disown its advocate at any time and seek relief. No such absolute immunity can be recognised. Such an absolute rule would make the working of the system extremely difficult*. The observations made in Rafiq [(1981) 2 SCC 788: AIR 1981 SC 1400] must be understood in the facts and circumstances of that case and cannot be understood as an absolute proposition. As we have mentioned hereinabove, this was an on-going suit posted for final hearing after a lapse of seven years of its institution. It was not a second appeal filed by a villager residing away from the city, where the court is located.* ***The defendant is also not a rustic ignorant villager but a private limited company with its head-office at Calcutta itself and managed by educated businessmen who know where their interest lies. It is evident that when their applications were not disposed of before taking up the suit for final hearing they felt piqued and refused to appear before the court. Maybe, it was part of their delaying tactics as alleged by the plaintiff. Maybe not. But one thing is clear — they chose to non-cooperate with the court. Having adopted such a stand towards the court, the defendant has no right to ask its indulgence. Putting the entire blame upon the***

[4] ***(1993) 2 SCC 185***

advocate and trying to make it out as if they were totally unaware of the nature or significance of the proceedings is a theory which cannot be accepted and ought not to have been accepted*.*

xxx xxx xxx"

(Emphasis Supplied)

11. Similarly, holding that a litigant cannot seek condonation of delay on the pretext of professional misconduct of a counsel, when the litigant himself is an educated litigant, who is expected to keep track of his *lis*, this Court in the case of ***Jan Chetna Jagriti Avom Shaikshanik Vikas Manch and Others Versus Anand Raj Jhawar Sole Proprietor of M/s R.R. Agrotech***[5], held as follows:

"xxx xxx xxx

7. *As discussed in the judicial precedents cited above, there is no blanket rule that for misconduct of the counsel, the litigant be not made to suffer.* ***The court has to keep in mind the socio economic and educational status of the litigant. An educated urban litigant cannot claim same protection of this rule as extended to an uneducated rustic litigant in the sense that where the latter completely banks upon his counsel and fails to keep a track of his litigation, it is understandable, but it is not understandable where the former does so. In case of an educated litigant, his duty does not end merely by signing the fee cheque of the counsel. An educated litigant is expected to keep a track of his litigation. In the present case, the appellants are not illiterate or semi literate rustic individuals. The appellants are a registered NGO and its senior functionaries, so cannot be expected to not keep a track of the lis.***

8. It is certainly not a case where the appellants were precluded from filing the appeal in time by circumstances beyond their control. The appellants ought to have kept a track of the money recovery suit pending against them, but they opted not to do so and did not ensure that their counsel should address final arguments before the Trial Court. Even after culmination of the suit into the impugned judgment and decree, the appellants remained sleeping over it. Now, they cannot seek condonation of such colossal delay under the pretext of professional misconduct of their erstwhile counsel. It is

[5] ***2025 SCC OnLine Del 878***

not only the colossal length of delay; it is the unacceptable explanation of the delay, which must be discarded.

xxx xxx xxx"

(Emphasis Supplied)

12. Holding that even if the Court assumes that the concerned lawyer was careless or negligent, that by itself, cannot be a ground to condone long and inordinate delay, as the litigants also owe a duty to be vigilant of their own rights, this Court in the case of ***Braj Mohan Goel and Another Versus Union of India***[6], held as follows:

"xxx xxx xxx

11. *Upon evaluating the submissions made by the learned counsel for the petitioner and the pleas which have been raised, this Court feels constrained to observe that the grounds pleaded in the application seeking condonation of delay fall short of being called good grounds for condoning the delay. The impugned judgment was passed on 17.02.2023. The appellant's claim is that they became aware of the same only in the month of May 2023 and tried to put blame on the head of the previous counsel for not informing them about the judgment.* ***Time and again, the Supreme Court and High Courts have observed that there is a growing tendency on the part of the litigants to blame lawyer's negligence and carelessness. Even if the Court assumes for a moment that the concerned lawyer was careless or negligent, this by itself cannot be a ground to condone long and inordinate delay as the litigants also owe a duty to be vigilant of their own rights and the pending judicial proceedings initiated at their instance. Litigants should not be permitted to throw the blame on the previous advocate and thereby disown him at any time and seek relief on that ground.***

xxx xxx xxx"

(Emphasis Supplied)

13. Thus, shifting of the office of the counsel for the appellant, and the resultant misplacing of the documents of the case file, can neither be considered, nor does it qualify, as sufficient cause for condoning the delay of 922 days. Similarly, the plea of the appellant being based in Bangalore

and, thus, not being able to follow up on that account, also does not inspire confidence and cannot be considered to be a sufficient cause, which is a pre-requisite that has to be met, before the Court exercises its jurisdiction for condoning the delay.

14. Spelling out as to what constitutes sufficient cause, the Supreme Court in the case of ***Shivamma (Dead) by Lrs Versus Karnataka Housing Board and Others***[7], has held as follows:

> *"xxx xxx xxx*
>
> ***123. From above, it is manifest that that the phrase "sufficient cause" in Section 5 of the Limitation Act is an expression of elastic import, incapable of precise definition, yet not without boundaries. Its purpose is to empower courts to advance the cause of justice by preventing genuine litigants from being shut out on account of unavoidable delays. At the same time, it is equally clear that the phrase is not a charter for indolence or a device to revive stale claims that the law of limitation otherwise extinguishes.***
>
> ***124. The burden to establish sufficient cause lies upon the party seeking condonation, and the court must be satisfied that the cause is real, bona fide, and free of negligence. Sufficiency of cause is to be determined contextually, on the totality of circumstances, with due regard to the conduct of the applicant and the prejudice caused to the opposite party. The inquiry is not mechanical but principled, resting on the dual pillars of bona fides and diligence.***
>
> ***125. The expression "sufficient cause" is not itself a loose panacea for the ill of pressing negligent and stale claims. The expression is to be construed with justice-oriented flexibility so as not to punish innocent litigants for circumstances beyond their control.***
>
> ***126. Courts must not condone gross negligence, deliberate inaction, or casual indifference, for to do so would undermine the maxim interest reipublicae ut sit finis litium and destabilise the certainty that limitation law seeks to secure.***
>
> ***127. The expression "sufficient cause" must be construed in a manner that advances substantial justice while preserving the discipline of limitation. The courts are not to be swayed by sympathy***

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[6] ***2025 SCC OnLine Del 1043***
[7] ***2025 SCC OnLine SC 1969***

> ***or technical rigidity, but rather by a judicious appraisal of whether the applicant acted with reasonable diligence in pursuing the remedy. Where explanation is bona fide, plausible, and consistent with ordinary human conduct, courts have leaned towards condonation. Where negligence, want of good faith, or a casual approach is discernible, condonation has been refused****.*
>
> *xxx xxx xxx"*
>
> *(Emphasis Supplied)*

15. In the overall conspectus of the facts and circumstances of the present case, this Court is of the considered opinion that the appellant has failed to show any sufficient cause before this Court, preventing the appellant from approaching the Court within the prescribed statutory period. Further, no plausible and acceptable explanation has been given by the appellant, thereby, failing to provide any sufficient cause for seeking such condonation. Therefore, this Court is not inclined to exercise its discretion to condone the delay in filing the present appeal.

16. No merit is found in the present application. The same is accordingly dismissed.

RFA 617/2019

17. Consequently, the present appeal, along with the pending applications, is dismissed, as barred by limitation.

MINI PUSHKARNA
(JUDGE)

DECEMBER 18, 2025/au