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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of Decision: September 17th, 2026**# **CNR No. DLHC010172032014**+ **LA.APP. 53/2014****GAON SABHA SAHABAD DAULATPUR, DELHI THR ITS
BDO, ALIPUR**AppellantThrough: Mr. Anubhav Gupta, Panel
Counsel for GNCTD

versus

SHILAK SINGH & ORS

.....Respondents

Through: Mr. Rajender Singh, Adv. for
R-1Mr. Sanjay Kumar Pathak, SC
with Mr. Sunil Kumar Jha, Mr.
M.S. Akhtar & Mr. Kushagra
Dixit, Advs. for UOI**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)****CM APPL. 2761/2014 (for condonation of delay) in
LA.APP.53/2014**

1. The present application has been filed under Order XLI Rule 3A of Civil Procedure Code, 1908, seeking condonation of delay of 1204 days in filing the present appeal.
2. The reasons provided by the appellant for condonation of delay are stated in Para 7 of the application. The same are reproduced herein below:

"7. That there has been a delay of 1204 days in filing the present appeal, against the impugned judgment. The reasons for delay are set out herein below:

a.) That Mr. Rajpal, posted as a Senior Village Level Worker in the



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office of the BDO(North West) was on leave and he did not inform the department to file an appeal in the Hon'ble High Court.

b.) That on 06.04.2011, appoint Mr. Jagpal as a Village Level Worker in the office of the BDO(North West) and also received the charge of village Sahabad Daulatpur.

c.) That on 28.04.2011 Mr. Jagpal informs about the order passed by the Rohini Court and thereafter the file was sent to the Block Development Officer (North west) for consideration.

d.) That on 29.04.2011, Block Development Officer(North West) after going through the file and the order suggested that the appeal should have been filed in the matter and then Mr. Rajpal was then suspended from the post of Village Level Worker vide order dated 03.05.2011 from the office of the BDO(NW) for the gross negligence made and for carrying such a lackadaisical approach towards the work.

e.) That on 05.05.2011, BDO(North West) sent the said file to office of the Deputy Commissioner (North west)

f.) That on 09.05.2011 Deputy Commissioner (North west) sign the said file and sent it to Directorate(Panchyat)

g.) That on 13.05.2011, Directorate (Panchyat) sent the said file to BDO (HQ)

h.) That on 18.05.2011, BDO (HQ) sent the said file to Directorate (Panchyat) thereafter on 19.05.2011 Directorate (Panchyat) sent the said file to Divisional Commissioner/Pr. Secretary (Revenue)

i.) That on 03.06.2011 Divisional Commissioner/Pr. Secretary (Revenue) sent the said file to BOO (North West)

j.) That on 12.09.2011, BDO (North West) sent the file for legal opinion, thereafter on 26.09.2011 legal opinion obtained in the both the matters then on 27.09.2011 file was again sent to Block Development Officer(HQ).

k.) That on 30.09.2011 Block Development Officer(HQ) sent the said file to Deputy Commissioner(North West) where it was received on 05.10.2011.

l.) That on 10.10.2011 Deputy Commissioner (North West) sent the file to ADM then on 24.10.2011 again sent to the said file Deputy Commissioner (North West).

m.) That on 15.11.2011 Deputy Commissioner(North West) sent the said file to Block Development Officer(HQ) thereafter on 02.12.2011 the said file was sent to Directorate(Panchyat) and the said file was sent to the System Analyst.

n.) That on 09.12.2011 System Analyst sent the said file to Personal Secretary(L&J)

o.) That on 15.12.2011 Deputy Secretary(Lit.) sent the said file to Supt. (legal) then said file sent to SV and thereafter the said file sent back to Supt. (Legal) on 21.12.2011.

p.) That on 02.01.2012 Assistant Secretary (Law) sent the said file to Assistant Secretary (Revenue) thereafter sent the said file to the Directorate Panchyat on 14.09.2012.



q.) That on 14.09.2013 Directorate Panchyat sent the said file to Block Development Officer (HQ) thereafter sent the said file to the System Analyst on 10.10.2012.

r.) That on 23.10.2012 the System Analyst sent the said file to the Directorate Panchyat and they marked the said file to Block Development Officer (HQ) therefore they marked the said file to Directorate Panchyat on 23.10.2012.

s.) That on 06.11.2012 the Directorate Panchyat file was sent to the panel advocate on 08.11.2012.

t.) That on 08.11.2012, 09.11.2012, 28.02.2013, 15.04.2013 & 19.07.2013 the pleading Counsel had written to the concern department for completion of trial court records and finally on 24.12.2013 certified copies of trial court records were supplied by the concern department then the pleading counsel thereafter prepare the present appeal.

u.) That thereafter the draft appeal was sent to the concern department for v sign and verification on 24.1.2014.”

3. Order XLI Rule 3A CPC read with Section 5 of the Limitation Act, 1963, contemplates that where an appeal is presented beyond the prescribed period of limitation, the same is required to be accompanied by an application seeking condonation of delay, supported by an affidavit disclosing the facts constituting the basis for the plea that the appellant had *sufficient cause* for not preferring the appeal within the prescribed period.

4. The primary consideration, therefore, is whether the appellant has disclosed sufficient cause for the delay in approaching this Court. It is well settled that the provisions relating to limitation are intended to advance the cause of justice and ought not to be construed in an unduly technical manner. At the same time, the discretion vested in the Court under Section 5 of the Limitation Act is required to be exercised on the basis of the facts and circumstances of each case.

5. The law of limitation thus seeks to strike a balance between two competing considerations. On the other hand, the Court is



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required to ensure that a litigant is non-suited merely on the account of procedural lapse where sufficient cause is other wise established; on the other hand, the rights which may have accrued to the decree-holder or the opposite party upon expiry of the prescribed period cannot be lightly disturbed.

6. Having considered the averments made in the present application , this Court is not persuaded by the explanation furnished by the appellant. The delay is not merely marginal but extends to a period of 1204 days. In such circumstances, the appellant was required to satisfactorily explain the delay for the entire period and demonstrate that the circumstances relied upon genuinely prevented the appellant from approaching this Court within the prescribed period of limitation.

7. It is well settled law that mere internal movement of a case file and change in counsel due to corporate or administrative restructuring cannot constitute “*sufficient cause*”.

8. The Hon’ble Apex Court has frowned upon following of such practices by the Government departments. The Hon’ble Apex Court, in the case of ***Postmaster General v. Living Media India Ltd. : (2012) 3 SCC 563***, had held that the Government cannot claim to have a separate period of limitation when the Department is possessed with competent persons familiar with court proceedings. The delay cannot be condoned mechanically merely because the Government or a wing of the Government is a party before the Court. The Hon’ble Apex Court had rejected the claim on account of impersonal machinery and bureaucratic methodology of making several notes in view of the modern technologies being used and available.



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9. The Hon'ble Supreme Court in the case of ***State of M.P. v. Bherulal*** : (2020) 10 SCC 654, while observing the irony that no action is taken against the officers who sit on files and do nothing under a presumption that the court would condone the delay in routine, held as under:

“6. We are also of the view that the aforesaid approach is being adopted in what we have categorised earlier as “certificate cases”. The object appears to be to obtain a certificate of dismissal from the Supreme Court to put a quietus to the issue and thus, say that nothing could be done because the highest Court has dismissed the appeal. It is to complete this formality and save the skin of officers who may be at default that such a process is followed. We have on earlier occasions also strongly deprecated such a practice and process. There seems to be no improvement. The purpose of coming to this Court is not to obtain such certificates and if the Government suffers losses, it is time when the officer concerned responsible for the same bears the consequences. The irony is that in none of the cases any action is taken against the officers, who sit on the files and do nothing. It is presumed that this Court will condone the delay and even in making submissions, straightaway the counsel appear to address on merits without referring even to the aspect of limitation as happened in this case till we pointed out to the counsel that he must first address us on the question of limitation.”

10. The reasons furnished by the appellant, when examined do not constitute sufficient cause for condonation of delay. The appellant merely set out the movement of the file from one officer/department to another, along with the dates on which the file was allegedly dealt with by the concerned officials. Such routine administrative movement of the file, in the absence of any explanation as to why the appeal could not be filed within the prescribed period, cannot by itself constitute sufficient cause for condoning inordinate delay of 1204 days.



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11. The explanation furnished, however, does not, account for the delay in a manner which would constitute sufficient cause. The averments made by the appellant do not disclose any continuous or unavoidable circumstances which prevented the appellant from taking appropriate steps within the period of limitation. Mere assertion of the reasons state in the application does not furnish sufficient cause for condoning such inordinate delay.

12. In the absence of a satisfactory explanation accounting for the delay, the Court is not persuaded to exercise its discretion under Section 5 of the Limitation Act in favour of the appellant.

13. In the view of the aforesaid discussion, this Court finds the appellant has failed to establish sufficient cause for condonation of delay.

14. Accordingly, the present application is dismissed.

15. Consequently, the present appeal being barred by limitation, is also dismissed.

CM APPL. 33524/2026 (for impleadment) in LA.APP.53/2014

16. The date fixed before the Registrar, that is, 13.10.2026, stands cancelled.

AMIT MAHAJAN, J

SEPTEMBER 17, 2026

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