



2025:DHC:7311-DB



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

Date of decision: 25th AUGUST, 2025

IN THE MATTER OF:

+ **LPA 27/2025 & CM APPL. 1834/2025, CM APPL. 1837/2025, CM APPL. 51007/2025, CM APPL. 51008/2025**

PARAMJIT SINGH NANDA

.....Appellant

Through: Mr. Shakil Sheikh, Advocate

versus

CHIEF MANAGER, PUNJAB AND SIND BANKRespondent

Through: Ms. Kittu Bajaj, Advocate

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J.

1. The present Appeal has been filed by the Appellant challenging the Judgment dated 08.02.2022 passed by the Ld. Single Judge in W.P.(C) 10416/2020. Vide the said Judgment, a decision of the Central Government Industrial Tribunal cum Labour Court No.2, New Delhi [**Ld. Tribunal**] setting aside the punishment of compulsory retirement imposed on the Appellant by the Respondent/Bank, has been set aside by the Ld. Single Judge.

2. The present Appeal has been filed with a delay of 902 days. This Court vide Order dated 25.02.2025 had directed the Appellant to file a Supplementary Affidavit providing sufficient details to make out a case for



condonation of delay of 902 days in filing the present Appeal. Pursuant to the said Order dated 25.02.2025 passed by this Court, an Application being CM APPL. 51007/2025 was filed by the Appellant explaining the reasons for delay of 902 days in filing the present Appeal. The said Application is being reproduced in its entirety:

"1. That the Appellant has filed the present appeal against the impugned judgment and decree/order dated 08.02.2022 passed by the Hon'ble single bench of this Hon'ble Court in the W.P. (C) No. 10416/2020 setting aside the award dated 09.10.2019 passed by the Industrial Tribunal Cum Labor Court No.2, Rouse Avenue District Court, New Delhi in ID No.11/2008 titled as Sh. Paramjit Singh Nanda Vs The Chief Manager Punjab & Sind Bank.

2. That the limitation period for filing the present appeal expired on 08.03.2022. However, due to reasons mentioned hereinbelow, there is a delay of 902 days, in filing the present letter patent appeal. The Appellant, therefore, prays that this Hon'ble Court may be pleased to condone the said delay in the interest of justice.

3. That the Appellant is a senior citizen aged about 73 years and a retired employee, who is otherwise educated and law-abiding, but has been suffering from multiple age-related ailments like: - hypertension, arthritis, mobility issues, high blood pressure, diabetes, etc. for the past several years. The Appellant has also been undergoing continuous medical treatment during this period, which severely limited his ability to coordinate and pursue legal remedies diligently.

4. That the Appellant had initially placed his trust in the counsel engaged erstwhile before engaging me and awaited proper legal advice and certified copy of the judgment. However, due to erroneous advice,



communication gap, and subsequent inaction on part of the local counsel, the appeal was not filed within the limitation period

5. That thereafter, upon realizing the consequences of not filing the appeal, the Appellant immediately sought fresh legal opinion and upon receiving proper guidance, instructed the filing of the present appeal without any further delay.

6. That the delay caused in filling the appeal is neither deliberate nor intentional, but due to the circumstances beyond the control of the Appellant. There has been no willful negligence, malafide or casual approach in the matter, and the Appellant has always acted Bonafide.

7. That the Appellant has a strong prima facie case and the impugned order suffers from serious infirmities which require judicial scrutiny by this Hon'ble Court. If the delay is not condoned, the Appellant would suffer grave and irreparable loss, and the valuable rights of appeal would be lost.

8. That it is a settled law that a liberal approach is to be adopted in condoning delay, especially where the applicant is a senior citizen and has demonstrated sufficient cause. Dismissal of appeal on technical grounds would result in miscarriage of justice.

9. That the present application is made Bonafide and in the interest of justice.

PRAYER:

In view of the foregoing, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

(a) Condone the delay of 902 days in filing the



accompanying letter patent appeal;

(b) Pass such other or further orders as may be deemed fit and proper in the facts and circumstances of the case."

3. A perusal of the aforesaid Application only shows that the Appellant is a Senior Citizen and suffering from various ailments like hypertension, arthritis, mobility issues, high blood pressure, diabetes, etc. No medical documents have been filed along with the said Application. This is hardly a ground for condoning a substantial delay of 902 days in filing the present Appeal.

4. It is well settled that a litigant cannot be sleeping like a *Rip Van Winkle* and awaken much later to agitate his/her claim. It is well settled that the law is for the vigilant and not for the indolent. After the period of limitation come to an end, right enures to the other side and that right can only be taken away if the reasons for condoning the delay are bona-fide and it is explained in an appropriate manner.

5. The Apex Court in a catena of judgments has laid down the tests underlying the proposition of condoning the inordinate delay in filing the Appeal. In "Pathapati Subba Reddy (Died) By L.Rs. and Others vs. Special Deputy Collector (LA)", [2024 SCC OnLine SC 513], the Apex Court has observed as under:

14. It may also be important to point out that though on one hand, Section 5 of the Limitation Act is to be construed liberally, but on the other hand, Section 3 of the Limitation Act, being a substantive law of mandatory nature has to be interpreted in a strict sense. In Bhag Mal alias Ram Bux v. Munshi (Dead) by LRs., it has been



observed that different provisions of Limitation Act may require different construction, as for example, the court exercises its power in a given case liberally in condoning the delay in filing the appeal under Section 5 of the Limitation Act, however, the same may not be true while construing Section 3 of the Limitation Act. It, therefore, follows that though liberal interpretation has to be given in construing Section 5 of the Limitation Act but not in applying Section 3 of the Limitation Act, which has to be construed strictly.

15. It is in the light of the public policy upon which law of limitation is based, the object behind the law of limitation and the mandatory and the directory nature of Section 3 and Section 5 of the Limitation Act that we have to examine and strike a balance between Section 3 and Section 5 of the Limitation Act in the matters of condoning the delay.

16. Generally, the courts have adopted a very liberal approach in construing the phrase 'sufficient cause' used in Section 5 of the Limitation Act in order to condone the delay to enable the courts to do substantial justice and to apply law in a meaningful manner which subserves the ends of justice. In Collector, Land Acquisition, Anantnag v. Katiji, this Court in advocating the liberal approach in condoning the delay for 'sufficient cause' held that ordinarily a litigant does not stand to benefit by lodging an appeal late; it is not necessary to explain every day's delay in filing the appeal; and since sometimes refusal to condone delay may result in throwing out a meritorious matter, it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate, it ought to be condoned. Notwithstanding the above, howsoever, liberal approach is adopted in condoning the delay, existence of 'sufficient cause' for not filing the appeal in time, is a condition precedent for exercising the discretionary power to



condone the delay. The phrases ‘liberal approach’, ‘justice-oriented approach’ and cause for the advancement of ‘substantial justice’ cannot be employed to defeat the law of limitation so as to allow stale matters or as a matter of fact dead matters to be revived and re-opened by taking aid of Section 5 of the Limitation Act.

17. It must always be borne in mind that while construing ‘sufficient cause’ in deciding application under Section 5 of the Act, that on the expiry of the period of limitation prescribed for filing an appeal, substantive right in favour of a decree-holder accrues and this right ought not to be lightly disturbed. The decree-holder treats the decree to be binding with the lapse of time and may proceed on such assumption creating new rights.

18. This Court as far back in 1962 in the case of Ramlal, Motilal And Chhotelal v. Rewa Coalfields Ltd. has emphasized that even after sufficient cause has been shown by a party for not filing an appeal within time, the said party is not entitled to the condonation of delay as excusing the delay is the discretionary jurisdiction vested with the court. The court, despite establishment of a ‘sufficient cause’ for various reasons, may refuse to condone the delay depending upon the bona fides of the party.

19. In Maqbul Ahmad v. Onkar Pratap Narain Singh, it had been held that the court cannot grant an exemption from limitation on equitable consideration or on the ground of hardship. The court has time and again repeated that when mandatory provision is not complied with and delay is not properly, satisfactorily and convincingly explained, it ought not to condone the delay on sympathetic grounds alone.

20. In this connection, a reference may be made to Brijesh Kumar v. State of Haryana wherein while



observing, as above, this Court further laid down that if some person has obtained a relief approaching the court just or immediately when the cause of action had arisen, other persons cannot take the benefit of the same by approaching the court at a belated stage simply on the ground of parity, equity, sympathy and compassion.

21. In *Lanka Venkateswarlu v. State of Andhra Pradesh*, where the High Court, despite unsatisfactory explanation for the delay of 3703 days, had allowed the applications for condonation of delay, this Court held that the High Court failed to exercise its discretion in a reasonable and objective manner. High Court should have exercised the discretion in a systematic and an informed manner. **The liberal approach in considering sufficiency of cause for delay should not be allowed to override substantial law of limitation. The Court observed that the concepts such as 'liberal approach', 'justice-oriented approach' and 'substantial justice' cannot be employed to jettison the substantial law of limitation.**

22. It has also been settled vide *State of Jharkhand v. Ashok Kumar Chokhani*, that the merits of the case cannot be considered while dealing with the application for condonation of delay in filing the appeal.

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.



24. It would be beneficial to quote paragraph 12 of the aforesaid decision 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. Paragraph 12 reads as under:

“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.”

25. This Court in the same breath in the same very decision vide paragraph 15 went on to observe as under:

“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)

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*



factors 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, tantamounts to disregarding the statutory provision.

27. It is in the light of the above legal position that now we have to test whether the inordinate delay in filing the proposed appeal ought to be condoned or not in this case.”

(emphasis supplied)

6. The Apex Court in “H. Guruswamy and Others vs. A. Krishnaiah Since Deceased by Lrs.”, [2025 SCC OnLine SC 54], has observed as under:

“13. We "are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High courts that the concepts such as “liberal approach”, “Justice oriented approach”, “substantial justice” should not be employed to frustrate or jettison the substantial law of limitation.

14. We are constrained to observe that the High Court has exhibited complete absence of judicial conscience



and restraints, which a judge is expected to maintain while adjudicating a lis between the parties.

15. The 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.

16. The length of the delay is definitely 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 respondents herein, it appears that they want to fix their own period of limitation for the purpose of 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 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.

17. 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. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time."

7. Applying the aforesaid law laid down by the Apex Court, this Court is of the opinion that the delay in filing the present Appeal has not been



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properly explained by the Appellant, rather than just showing that he is suffering from various ailments as mentioned above. Without the cause of delay being properly explained, the inordinate delay of 902 days in filing the present Appeal cannot be condoned.

8. In view of the above, this Court is not inclined to condone the unexplained delay of 902 days in filing the present Appeal.

9. Resultantly, the Appeal is dismissed, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

AUGUST 25, 2025

S. Zakir