

In the court of Principal District Judge, Gaya Ji

Title Appeal Case No. 18/2023

The State of Bihar through Collector, Gaya

& Anr.-----Appellants

vs.

Bhuneshwar Bhuiyan & Ors-----Respondents

18.03.2026

Present

For the Appellant-----Sri Ravindra Prasad, Government
Pleader (G.P.)

For the Respondents-----Sri Satish Kumar Singh, Advocate

(1) This title appeal is directed against the judgement and decree dated 18.10.2017 and 30.10.2017 respectively passed by Ld. Sub-Judge 10th, Gaya in connection with Title Suit No. 271 of 2015/ (T.S. No. 315 of 2014) whereby the said suit has been decreed in favour of plaintiffs. As per office report, this appeal has been filed on 05.04.2023, which is barred by limitation.

(2) By moving the petition filed under Section of 5 of the Limitation Act, submission advanced by the Ld. G.P. is to the effect that after getting the knowledge regarding the judgement and decree passed by the court of Ld. Sub-Judge 10th Gaya in said suit through the concerned staff of Anchal Manpur, District-Gaya, and as soon as xerox copy of said judgement and decree

In the court of Principal District Judge, Gaya Ji

Title Appeal Case No. 18/2023

**The State of Bihar through Collector, Gaya
& Anr.-----Appellants**

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was supplied by them, this appeal has been preferred. The Ld. G.P. further submitted that the period of limitation whatsoever, in filing this appeal, on the part of State (Appellant) may be condoned as no deliberate laches can be attributed to the appellant in filing this appeal.

(3) Responding to the submission advanced by the appellant on the point of limitation, the Ld. counsel appearing for the respondents propounded that petition filed on behalf of State under Section 5 of the Limitation Act can best be termed as a classic example of “Gross Negligence” and “Laches” on the part of State authorities. The ld. counsel further submitted that the appellants have approached this court after unpardonable delay of nearly six years even without the explaining the delay of each day as required by the law.

(4) The ld. counsel further submitted that the appellant had appeared in the said title suit as defendants before the Ld. court below and contested the matter over there, so taking the plea of

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& Anr.-----Appellants**

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lack of knowledge by the appellant is un-understandable. The Ld. counsel appearing for respondent contended that it is settled principal of law that “Substantial Justice” cannot be used as a ground to negate the law of limitation and if such a long delay of approximately 2000 days is condoned, it will cause irreparable loss to the respondents and frustrate the very purpose of Limitation Act, which is based on the maxim “Vigilantibus non dormientibus jura subveniunt”.

(5) Heard both sides and perused the record.

(6) This court is struck by audacity of casual manner in which the appellants have filed the petition under Section 5 of the Limitation Act seeking condonation of delay of significant period of time of nearly 2,000 days. This petition consists of very short plea and the sole ground taken in this petition is that they got to know regarding the judgement and decree passed in the said suit by concerned court Anchal Manpur, Gaya.

In the court of Principal District Judge, Gaya Ji

Title Appeal Case No. 18/2023

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& Anr.-----Appellants

vs.

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(7) Reference may be made to the Judgement dated 12.09.2025 passed by Supreme Court in Civil Appeal No. 11794 of 2025 in a case titled as Shivamma (Dead) BY LRS vs Karnataka Housing Board whereby setting aside the order of Hon'ble High Court condoning a massive delay of 3966 days, the Supreme Court has held, which is being quoted as under:

258. "..... While considering the plea for condonation of delay, the court must not start with merits of the main matter. The court owes a duty to first ascertain the bona fides of explanation offered by the party seeking explanation. It is only if the sufficient cause assigned by the litigant and the opposition of other side is equally balanced that the court may bring into aid of the merits of the matter for purpose of condoning the delay.

259. 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

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Title Appeal Case No. 18/2023

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& Anr.-----Appellants**

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Bhuneshwar Bhuiyan & Ors-----Respondents

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”.

(8) While disposing of the case as referred above, the Hon’ble Supreme Court has further laid down guidelines to follow, which are as under:

261.“.....administrative lethargy and laxity can never stand as sufficient ground for condonation of delay, and we want to convey an emphatic message to all High Courts that delays shall not be condoned on frivolous and superficial ground, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffers the bar of limitation from pursuing litigations due to its

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Title Appeal Case No. 18/2023

**The State of Bihar through Collector, Gaya
& Anr.-----Appellants**

vs.

Bhuneshwar Bhuiyan & Ors-----Respondents

own lackadaisical attitude.”

262. “The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy.....”

263 “Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality.....As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice”

264. “No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.”

(9) This court is of the view that such a prolong delay calls for sufficient cause, which is notably missing here. There is no reference of any date in this condonation petition as to when

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Title Appeal Case No. 18/2023

**The State of Bihar through Collector, Gaya
& Anr.-----Appellants**

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they got to know and what sort of action has been taken by the State against erring staff for withholding the information of said judgement and decree, which indicates a kind of conspiracy hatched by the erring staff for deliberately causing the delay. The court is of the view that such a long period of delay, beginning from the last day of limitation that has been prescribed till the day on which this appeal has been filed, should have been explained step by step by the appellants so as to substantiate their claim that there was no laches on part of them, especially when they were fully aware regarding the said suit as they have contested in said matter before court below as defendants. In this case, the appellant has failed miserably to show sufficient cause of delay in filing this appeal rather it appears to be gross negligence on the part of the appellants.

(10) Considering the submissions advanced by parties and Judgement of Hon'ble Supreme Court referred in preceding paragraph, this court is of the opinion that in the present case,

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Title Appeal Case No. 18/2023

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grounds taken for the condonation of delay of nearly 2,000 days by the appellant has not at all been substantiated by sufficient cause. As such this court is not inclined to entertain the petition filed under Section 5 of the Limitation Act seeking condonation of delay and it deserves to be dismissed and is accordingly dismissed.

Consequently, the instant appeal stands dismissed.

Dictated and corrected by

Sd/-
(M.K. Kaushik)
Principal District Judge
Gaya ji
18.03.2026

Sd/-
(M.K. Kaushik)
Principal District Judge
Gaya ji
18.03.2026

Date of Judgment/Order	18.03.2026
Date of reserving Judgment/Order	N/A
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