

**IN THE COURT OF GAURAV MAHAJAN, ADDITIONAL
DISTRICT JUDGE, NAHAN, DISTRICT SIRMAUR, H.P.**

C.N.R. No. : HPSI010028432024

CIS No. : 783/2024.

Registration No. : 783-N/6 of 2024.

Case Type : CMA.

Date of institution : 05.12.2024.

Date of decision : **20.07.2025.**

1. Imtiaz Khan s/o Sh. Bashir Ali, R/o House No. 391/1, Mohalla Ram Kundi, near Satsang Viyas, Tehsil Nahan, Distt. Sirmaur (H.P), aged 45 years.
2. Jagga Singh S/o Sh. Kiran Singh, R/o Village Mahtoli, PO Dilala, Ward No.3 Distt. Kangra (HP), aged 43 years.
3. Narender Singh S/o Sh. Anoop Singh, R/o Village Kathana, Tehsil Nahan, Distt. Sirmaur, (HP) aged 38 years.
4. Pankaj Rana S/o Sh Milap Chand Rana, R/o Village and P.O Dagoh. Tehsil Jainsinghpur, Distt. Kangra, (HP), aged 33 years.
5. Pawan Kumar S/o Sh. Desraj, R/o Village Chand Sauli, Distt. Ambala Haryana, aged 32 years.
6. Vijay Rawat S/o Chatar Singh Rawat, R/o Village jyundhasu, P.O Pali, Distt Garhwal UK, presently residing at House no 520/8, Ladari Ata, Gandhi Chowk, Kalka, Panchkula, Haryana, C/o Sh. Devender Bhatia, VPO Kala Amb, Tehsil Naringarh Ambala, Haryana, aged 31 years.

7. Amit Thakur S/o Sh. Deep Chand, R/o Village Dhaun, P.O Rama, Tehsil Nahan Distt. Sirmaur (H.P), aged 28 years.
8. Ravinder Kumar S/o Sh. Balwant Ram, R/O Village and PO Sarawan, Tehsil Bilaspur Distt. Yamunanagar, Haryana, aged 35 years.

...Applicants.

VERSUS

M/s Rich Products & Solutions Pvt. Ltd. Plot No. 254/215/8/12/1, Village Ogli Nahan Road, Kala Amb, Tehsil Nahan Distt. Sirmaur H.P, through Sh. Divya Roop Bakshi S/o Sh. S.B. Bakshi Deputy General Manager (Operation) and authorized signatory of M/s Rich Product & Solutions Pvt Ltd, R/o House No. 11/1, Sector 41A, Chandigarh U.T.

...Respondent.

Application under Section 5 of the Indian Limitation Act.

For the Applicants : Mrs. Veena Sharma, Advocate

For the Respondent : Sh. H.S. Shah, Advocate.

ORDER

This order shall dispose of an application filed by the applicants/appellants under Section 5 of Limitation Act seeking condonation of delay in filing of appeal against the order passed by the learned Senior Civil Judge, Nahan dated 24.09.2024.

2. It has been averred that the applicants/appellants were not aware about the intricate of law and had received the certified copy of order on 04.12.2024. It has further been averred that earlier the applicants had filed an appeal which was withdrawn on technical ground and thereafter have filed the present appeal. It has been

prayed that application be allowed and delay in filing of the present appeal be condoned.

3. The application has been contested by the respondents by filing reply wherein it has been averred that earlier the applicants/appellants had filed an appeal bearing No. 27 of 2024 before this Court which was dismissed as withdrawn on 29.11.2024 and the applicants/appellants have no right to file appeal again without seeking the leave of the Court. It has further been averred that alleged delay has not been explained. It has been prayed that application be dismissed.

4. Re-joinder was not filed and on the basis of pleadings of the parties following issues were framed by this court on 13.05.2025:-

1. Whether there are sufficient grounds to condone the delay in filing the present appeal, as claimed? ..OPA.
2. Whether the application is not maintainable, as alleged? ..OPR.
3. Relief.

5. To substantiate their claim the applicants/appellants examined one witness and closed their evidence.

6. Per contra, no evidence has been led by the respondent.

7. I have heard learned counsel for the parties and perused the case file carefully.

8. For the reasons to be recorded hereinafter while discussing the aforesaid issues for determination, my findings on these issues are as under :-

Issue No.1 : No.

Issue No.2 : Yes.

Relief : Application is dismissed as per operative part of the order.

REASONS FOR FINDINGS

9. Before taking up the point for consideration I will like to discuss the evidence available on record.

10. **AW-1 Sh. Amit Thakur** is the applicant/appellant No. 7, who has reiterated his pleadings in his affidavit submitted by way of examination-in-chief. In cross-examination, he has stated that now-a-days he is doing business. The present application and appeal have been filed by eight persons and he is deposing on behalf of all of them. He does not remember the date of order against which they have filed the present appeal. Expressed ignorance as to when they have withdrawn the appeal. He has further stated that after withdrawal of the previous appeal, they have not taken any permission of the Court to file appeal again. He does not remember as to when he has applied for obtaining the certified copy of the order and when he has obtained the same. He has admitted that they have not mentioned any strong reason in the present application to condone the delay in filing the present appeal. Denied that they want to grab the money of the Company. This is all the evidence on record.

ISSUES NO.1 & 2.

11. Both these issues are interlinked and interconnected and are taken up together to avoid repetition.

12. The contention put forth by the applicants/appellants is that they being illiterate persons were not aware about the intricate of law and as such could not file appeal within limitation. The fact remains that previously the applicants/appellants had

filed civil appeal bearing No. 27-N/14 of 2024 before this Court which was dismissed as withdrawn on 29.11.2024. No leave has been sought by the applicants/appellants from this Court to file this fresh appeal.

13. The perusal of record reveals that as per certified copy annexed on record, the applicants/appellants have applied for copy of the order on 02.12.2024 and they have received the same on 04.12.2024. The certified copy has been applied after the withdrawal of the earlier appeal bearing No. 27-N/14 of 2024.

14. It has also specifically been mentioned in the reply by the respondents that earlier two of the applicants/appellants have preferred civil appeal bearing No. 27-N/14 of 2024 before this Court which was dismissed as withdrawn on 29.11.2024 and as such the impugned order was well within the knowledge of the applicants/appellants earlier also.

15. AW-1 Sh. Amit Thakur has admitted in cross-examination that after withdrawal of earlier appeal they did not seek leave of the Court to file fresh appeal. He is not aware about the period of limitation. He has admitted that there is no specific reason mentioned in the application for condonation of delay.

16. It is settled preposition of law that under the principle of '*ignorantia juris non excusat*', ignorance of the law does not constitute "sufficient cause" for condonation a delay. The litigants are required to show vigilance and diligence, meaning an honest legal mistake might sometimes be evaluated, but blanket unawareness will not.

17. Elucidating the legal position while dealing with cases of condonation of delay, the Hon'ble Supreme Court in the case of '***Pathapati Subba Reddy (Died) by Legal Representatives and***

Others Versus Special Duty Collector (LA)'; (2024) 12 SCC 336 , held as follows:

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. 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."

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.*

18. In the overall conspectus of the facts and circumstances of the present case, the appellants have failed to show any sufficient cause before this Court, preventing the appellants from approaching the Court within the prescribed statutory period. Further, no plausible and acceptable explanation has been given by the appellants, thereby, failing to provide any sufficient cause for seeking such condonation. Moreover, the appellants have concealed the fact of earlier having filed civil appeal bearing No. 27-N/14 of 2024 before this Court which was dismissed as withdrawn on 29.11.2024 and as such have not approached this Court with clean hands and there are no sufficient reasons to condone the delay in filing the present appeal. In view of the aforesaid, the applicants/appellants have failed to bring this application within the terms and preview of "sufficient cause" and the present application is not maintainable and both the issues

are decided against the applicants/appellants and in favour of the respondent.

RELIEF:

19. In view of my findings on issues No. 1 & 2 above, the present application is not maintainable and is hereby dismissed. The application stands disposed of. Be tagged with main case file.

Announced in the open Court today on this **20th day of July 2026.**

(**Gaurav Mahajan**)
Addl. District Judge
Sirmaur District at Nahan, H.P.

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FORM-A

LIST OF WITNESSES

Sr.No.	Name of witness.	Whether witness of applicants or of respondents.
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PW-11	Amit Thakur	Applicants.
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FORM-B

LIST OF EXHIBITS

Exhibit No./Mark	Date of Exhibit.	Description of Exhibit
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--Nil--	--Nil--	--Nil--
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(**Gaurav Mahajan**)
Addl. District Judge
Sirmaur District at Nahan, H.P.