

**IN THE COURT OF SH. PITAMBER DUTT**  
**PRINCIPAL DISTRICT & SESSIONS JUDGE,**  
**PATIALA HOUSE COURTS, NEW DELHI DISTRICT, NEW DELHI**

PPA No. 24/2025  
CNR No. DLND01-006970-2025

Smt. Kamlesh Gupta  
W/o. Sh. Mange Ram  
Retired Assistant, Delhi Public Library,  
Ministry of Culture, Govt. of India,  
R/o. 61-B, Nangli Razapur,  
Sarai Kale Khan, New Delhi-110013

.....Appellant

Versus

1. Union of India  
through Secretary,  
Ministry of Housing & Urban Affairs,  
Nirman Bhawan, Maulana Azad Road,  
New Delhi-110011

2. Estate Officer  
Directorate of Estates,  
Ministry of Housing & Urban Affairs,  
Nirman Bhawan, New Delhi-110011

3. Directorate of Estates  
through its Director,  
Nirman Bhawan,  
Maulana Azad Road,  
New Delhi-110011

..... Respondents

Date of Institution	:	03.09.2025
Arguments heard on	:	21.05.2026
Date of Order	:	30.05.2026

**Appearances:-**

Sh. Waseem Akram and Sh. Himanshu Kaushik, Ld. Counsels for the appellant.  
Sh. Prashant Saini, Ld. Counsel for the respondents.

## ORDER

1. Vide this order, I shall decide an application filed U/s.5 of Limitation Act for seeking condonation of delay in filing the accompanying appeal.
2. The applicant/appellant has averred that he has filed an accompanying appeal U/s.9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 challenging the impugned eviction order dated 09.08.2023, cancellation order dated 10.02.2023 and provisional rent assessment record dated 05.08.2025. She has further averred that the present appeal has been filed with the delay of 724 days from the date of eviction order dated 09.08.2023.
3. The applicant/appellant has further averred that the delay in filing the appeal was neither deliberate nor intentional but occurred due to circumstances wholly beyond her control. She further averred that she has been under continuous medical treatment for chronic liver disease (NASH related) with serious complication. She was admitted in Fortis Escort Hospital from 30.04.2022 till 02.05.2022 and remained under prolonged treatment. Thereafter, her fragile health also rendered her physically weak, dependent upon assistance for daily needs and unable to effectively pursue litigation within the prescribed limitation.
4. The applicant/appellant has further averred that she and her husband were continuously approaching the Director of Estates and Delhi Public Library by making several written representations after the impugned order under the bonafide belief that their grievance could be redressed at departmental level itself. Thus, substantial time was consumed in these repeated follow-ups.

5. The applicant/appellant has further averred that her husband Sh. Mange Ram fell critically ill from June,2023 onwards with severe spinal problem. She being his primary care giver was required to accompany him to various hospitals and clinics in Delhi and outside for his treatment and ultimately he had to undergo spinal surgery at Manipal Hospital between 29.04.2025 to 02.05.2025.
6. The applicant/appellant has further averred that despite her best efforts, the combination of serious medical incapacity and bonafide pursuit of departmental remedies prevented her from filing the present appeal within the prescribed limitation period. She further pleaded that liberal approach must be adopted while considering the application for condonation of delay where sufficient cause is shown. She further averred that if the delay is not condoned, the applicant would suffer grave injustice. On that basis, it is prayed that the delay of 724 days in filing the appeal may be condoned.
7. The respondent has filed reply to the application thereby controverting the averments made in the application. It is prayed that application be dismissed.
8. I have heard Ld. Counsel for the applicant/appellant, Ld. Counsel for the respondents, perused application, its reply as well as the record. The applicant/appellant has filed the accompanying appeal against the impugned order of eviction dated 09.08.2023.
9. The appeal against an eviction order, as per PP Act, could be filed within 12 days from the date of the order. However, instant appeal has not been filed within the statutory period and admittedly has been filed after the delay of 724 days.

10. Section 5 of Limitation Act deals with condonation of delay on showing sufficient cause of such delay, which reads as under :

***“5. Extension of prescribed period in certain cases.***

***Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period. Explanation.-The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section”.***

11. A perusal of Section 5 of Limitation Act makes it clear that any appeal or application other than an application under any provision and order XXI of the Code of Civil Procedure, 1908 may be admitted after a prescribed period of limitation if the appellant/applicant satisfies the court that he/she had sufficient cause for not pressing the appeal within such prescribed period.
12. The Hon’ble Supreme Court of India in ***Basawaraj and Another Vs. Special Land Acquisition Officer reported as 2013 (14) SCC 81*** has dealt with the question of condonation of delay. Para 12 and 15 of the above judgment are relevant, which are reproduced 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”.*

*“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 bonafide 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”.*

13. The above legal proposition has been reiterated by the Hon'ble Supreme Court of India in '*Pathapati Subba Reddy (Died) by L.Rs. and Others Vs. Special Deputy Collector (LA) Special Leave Petition (C) No.31248 of 2018, date of decision 08.04.2024.*
14. The legal proposition laid down by Hon'ble Supreme Court of India makes it amply clear that the delay in presenting the appeal can be condoned only if sufficient cause is shown for such delay and not on the ground of equity.
15. The applicant/appellant has sought condonation of delay of 724 days in filing the accompanying appeal on the ground that she was having medical issues and was admitted in the hospital from 30.04.2022 to 02.05.2022. However, the said period was prior to the date of passing the eviction order dated 09.08.2023.
16. The applicant/appellant has also claimed that her husband was also having medical issues between June 2023 till May 2025. However, nothing has been placed on record by the appellant to support the said plea. Moreover, applicant/appellant herself has stated in the application that after passing of the order, she was making representations in the department for seeking redressal against the eviction order.
17. When the appellant could have filed the representations against the eviction order to her department on 27.02.2023, 09.03.2023, 13.03.2023, 16.08.2023 and 26.05.2025, then she could have also filed an appeal against the eviction order within a reasonable time. However, the applicant/appellant has not done the same and has filed the instant appeal after a delay of 724 days.

18. The applicant/appellant has not shown any sufficient cause for seeking condonation of delay of 724 days in filing the accompanying appeal. The delay of 724 days could only be condoned on showing the sufficient cause, which applicant/appellant has failed to assign.
  
19. In view of the above facts and circumstances, I am of the considered view that the applicant/appellant has failed to assign any sufficient cause for condonation of inordinate delay of 724 days in filing the accompanying appeal. Accordingly, the application filed U/s.5 of Limitation Act is dismissed.

**Announced in the open Court  
Today i.e. on 30.05.2026**

**(PITAMBER DUTT)  
Principal District & Sessions Judge  
New Delhi District, Patiala House Courts  
New Delhi.**