

**IN THE COURT OF DISTRICT JUDGE-03
NORTH DISTRICT, ROHINI COURT, NEW DELHI
PRESIDING OFFICER MS. AANCHAL, DHJS**



**CNR No.DLNT010025522023
RCA DJ/11/2023**

In the matter of :-

Surender Kumar Arora

Versus

M/s Decisive Exports Pvt. Ltd.

Date of order :- 02.07.2026

ORDER

1. Vide this order, this Court shall decide the application filed under Section 5 of Limitation Act r/w 151 CPC by the appellant/applicant seeking condonation of delay in filing the present appeal.
2. Arguments have already been heard. Record is perused carefully.
3. The appeal is preferred on 15.02.2023 by the appellant/applicant against the impugned judgment dated 19.02.2021 with the order dated 28.11.2018 passed by Ld. Trial Court.

4. It is stated by the applicant that he had been undergoing through financial hardship since almost 6 years where it had been difficult for him even to arrange bread and butter for himself and his family, so he was not able to arrange for enough funds to pay the court fees and the fees for the Ld. Counsel and due to these reasons, he could not prefer the present appeal within the period of limitation.
5. This application is opposed strongly and attention is drawn to the fact that even the sufficient court fees has not been filed by the applicant despite such delay. Further, attention is also drawn that the applicant had merely filed the court fees of not more than Rs. 100/- against Court fees filed on the plaint by the respondent (plaintiff before Ld. Trial Court) in the sum of Rs. 11,000/-. It is also submitted that even otherwise, in case of financial hardship, appeal could have been filed as a pauper.
6. This Court has given thoughtful consideration to the contentions made. Delay can be condoned if applicant shows sufficient reasons. Definitely court should not adopt a rigid approach while appreciating the reason assigned by the applicant but the question of plausibility of the reason cannot be overlooked at all. In Suo moto writ petition No. 3/2020, Hon'ble Apex Court vide its order dated 10.01.2022 considered the impact of surge of COVID-19 on public health and adversities faced by litigants and it was directed that;

- (i) Period from 15.03.2020 till 28.02.2022 shall stand excluded for purposes of limitation and
- (ii) In cases where limitation expired during the period between 15.03.2020 till 28.02.2022, the limitation period of 90 days from 01.03.2022 was granted.

Therefore, so far as the period of limitation to file the present appeal against the impugned judgment dated 19.02.2021 is concerned, it commenced from 01.03.2022 and it had been of 90 days rather than of 30 days. Consequently, the present appeal could have been filed on or before 31st May 2022. Hence, this Court finds that delay in filing the present appeal is not of 742 days as stated by applicant in application but it is of about 9 months i.e. a few days lesser than 270 days.

- 7. Now the question arises if the delay of even these around 270 days could be condoned on the ground stated in the application. Order 44 CPC is of extreme importance in this regard. It deals with the appeals by indigent person. It provides that any person entitled to prefer an appeal, who is unable to pay the fee required for the memorandum of appeal, may present an application accompanied by a memorandum of appeal, and may be allowed to appeal as an indigent person, subject, in all matters, including the presentation of such application, to the provisions relating to suits by indigent persons, in so far as those provisions are applicable.

Hence, in view of this provision, it cannot be accepted that the the applicant shall/could not file the appeal, assumingly he was not able to manage bread and butter smoothly during this period (though qua this fact too, no material is produced by the applicant). Once the law is providing a recourse, applicant cannot be encouraged to sit with his hands tight and not to file the appeal at all within period of limitation. Applicant can not be allowed to choose a time to approach the Court at his convenience making the provisions available under CPC redundant. Hence, the reason cited by the applicant for not filing the appeal within the period of limitation is not accepted even a ground in the eyes of law and delay is not condoned.

8. In view of the above discussion, the application in hand is held meritless and same is dismissed.

Announced in open Court on
02.07.2026 at 4:00 PM.

(Aanchal)
District Judge-03, Rohini Courts
North District, Delhi
02.07.2026 (Amt)