

IN THE COURT OF SH. RAVINDER SINGH-II
ADDL. SESSIONS JUDGE-05
DWARKA COURTS: NEW DELHI

CR No. : 83/2026

CNR No. DLSW01-001379-2026

Ramesh Singh
S/o Late Sh Kitab Singh
R/o RZ-65, Baba Haridas Singh
Najafgarh, New Delhi - 43

.... Appellant

VERSUS

Lal Singh Yadav
S/o Data Ram Yadav
R/o D-257, Madhu Vihar,
Dwarka, New Delhi

.... Respondent

ORDER ON THE APPLICATION OF THE APPELLANT
SEEKING CONDONATION OF DELAY

1. Vide this order, I shall dispose of the application filed on behalf of the applicant/appellant seeking condonation of delay in filing the present criminal appeal.
2. The present appeal has been preferred against the impugned judgment dated 27.09.2025 and order on sentence dated 27.10.2025 passed by the Ld. JMFC in Complaint Case No. 7988/2022, whereby the appellant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.
3. It is stated in the application by the appellant that there has been a delay of 55 days in filing the present appeal. It is submitted that the delay was neither intentional nor deliberate. It is further submitted that after abolition/transfer of the digital NI Act Courts, the matter was transferred to

the concerned physical court and due to the said transition, the Ld Counsel for the appellant could not obtain certified copies of the impugned judgment and order on sentence in time. It is also stated that the appellant was occupied in a family land dispute at his native village in Haryana and being the elder member of the family, remained busy in resolving the said dispute and could not contact his counsel within time for filing the present appeal. *Accordingly, on the aforesaid grounds, it is prayed that the delay in filing the present appeal be condoned and the appeal be heard on merits.*

4. The respondent has filed a detailed reply opposing the application. Ld Counsel for the respondent has submitted that the averments made in the application are vague, incorrect and misleading. It is further submitted that the impugned judgment and order on sentence were passed on 27.09.2025 and 27.10.2025 respectively, whereas the present appeal has been filed only on 29.01.2026, and therefore, the delay is approximately 64 days and not 55 days as claimed by the appellant.
5. Ld. Counsel for the respondent has further submitted that the appellant has failed to disclose any sufficient or bona fide cause for condonation of delay. It is argued that the grounds taken by the appellant are vague and unsupported by any cogent material. It is also submitted that due to expiry of limitation, a valuable right has accrued in favour of the respondent and the same should not be lightly disturbed. *Accordingly, it is prayed that the condonation*

application of the appellant be dismissed.

6. *I have heard the submissions from both the sides and further I have carefully perused the record.*
7. The principles governing condonation of delay under Section 5 of the Limitation Act are well settled. The expression “sufficient cause” is required to receive a liberal and justice-oriented construction, particularly where refusal to condone delay may result in shutting out a litigant from having the matter considered on merits. At the same time, condonation of delay is not automatic and the applicant is required to show bona fide and sufficient cause explaining the delay.
8. The Hon’ble Supreme Court in ***Collector, Land Acquisition, Anantnag v. Mst. Katiji***, (1987) 2 SCC 107, has held that a justice-oriented approach should be adopted while considering applications for condonation of delay. Similarly, in ***G. Ramegowda v. Land Acquisition Officer***, (1988) 2 SCC 142, it was observed that where substantial justice and technical considerations are pitted against each other, substantial justice deserves to be preferred.
9. In ***Sheo Raj Singh v. Union of India***, (2023) 10 SCC 531, the Hon’ble Supreme Court reiterated that the discretion to condone delay has to be exercised on the basis of adequacy and credibility of the explanation offered, keeping in view the facts and circumstances of each case.

10. Adverting to the facts of the present case, in the present case, the delay is stated to be of 55 days by the appellant, whereas the respondent submits that the delay is about 64 days. Even if the contention of the respondent regarding the period of delay is accepted, the delay is not so inordinate as to indicate mala fide conduct on the part of the appellant. The reasons assigned by the appellant, namely transition of NI Act digital courts to physical courts, difficulty in obtaining certified copies and personal / family circumstances, may not be supported by detailed documents, however, the same cannot be said to be wholly mala fide or deliberately false.

11. The present matter arises out of conviction under Section 138 of the NI Act and the appellant seeks adjudication of his statutory appeal on merits. Evidently, denial of condonation at the threshold would result in dismissal of the appeal without examination of the impugned judgment and order on sentence on merits. On the other hand, the inconvenience/prejudice caused to the respondent due to delay can be compensated by imposition of appropriate cost.

12. In view of the totality of facts and circumstances of the present case, the application for condonation of delay filed by the appellant is allowed, subject to cost of ₹5,000/- to be paid by the appellant to the respondent.

13. Accordingly, delay in filing the present appeal stands condoned, subject to payment of cost of ₹5,000/- to the

respondent on or before the next date of hearing.

It is clarified that nothing stated herein shall be construed as an expression on the merits of the appeal.

Application stands disposed of accordingly.

**(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/16.07.2026**