

CR No. 89/2025
RAKESH KUMAR Vs. VIKASH RANA

06.06.2026 at 4 PM.

ORDER

Present: Sh. C.D. Mishra, Counsel for revisionist
None for the respondent.

1. Vide this order, I shall dispose of the application filed by the applicant/revisionist under Section 5 of the Limitation Act, 1963 (herein after said as the Limitation Act) seeking condonation of delay in filing the present revision petition.

2. The present revision petition has been preferred by the revisionist / applicant against the impugned order dated 10.12.2021 and 11.04.2022 passed by the then Learned MM (N.I Act) – 10, Dwarka Courts, New Delhi, in a complaint case under Section 138 of the Negotiable Instruments Act, 1881 (*herein after said as N.I Act*) bearing complaint case No. 17494/2017 titled as *Vikash Rana Vs Rakesh Kumar* whereby the application moved on behalf of the complainant / respondent / Vikas Rana for condonation of delay was allowed and summons were issued against the present applicant/revisionist.

3. Before proceeding further onto the grounds taken by the revisionist/ applicant in the present application seeking condonation of delay, it is imperative for this court to briefly go

through the case of the complainant / respondent before the Ld Trial Court.

BRIEF FACTS/ CASE OF THE RESPONDENT/ COMPLAINANT BEFORE THE LD. TRIAL COURT.

4. Briefly stating the case of the complainant/ respondent before the Ld Trial Court is that revisionist / applicant was a close friend of the father of the complainant/ respondent and on 08.12.2015, the applicant/ revisionist requested for a friendly loan of Rs. 5 lacs from the father of the complainant/ respondent which was granted by the father of the complainant/ respondent on 01.01.2016 and 03.01.2016 for a period of three months and thereafter on the strong demand raised by the father of the complainant/ respondent, the applicant / revisionist has issued an account payee cheque bearing no. 000037 dated 25.03.2017 drawn on HDFC Bank, Sector 5, Dwarka Branch for a sum of Rs. 5 lacs to the father of the complainant/ respondent and assured the father of the complainant/ respondent that the same would be honoured on presentation. It is further the case of the complainant/ respondent before the Ld Trial Court that when the father of the complainant/ respondent presented the said cheque on 29.03.2017, the same was dishonoured on account of “*funds insufficient*” vide returning memo dated 30.03.2017 issued by the banker of the father of the complainant/ respondent i.e Corporation Bank, Isapur, New Delhi. It is further the case of the complainant/ respondent before the Ld Trial Court that thereafter the father of the complainant/ respondent issued a legal demand notice dated 29.04.2017 to the revisionist/ applicant but the

revisionist / applicant neither paid the cheque amount nor replied to the legal demand notice.

5. It is further the case of the complainant/ respondent before the Ld Trial Court that thereafter on 16.05.2017 the father of the complainant/ respondent expired and hence being the Legal Representative, the complaint under Section 138 of the N.I Act was filed by the complainant/ respondent before the Ld Trial Court. The said complaint was admittedly filed by the complainant/ respondent with a delay which was condoned by the Ld Trial Court vide the first impugned order dated 10.12.2021 and subsequently the revisionist / applicant was summoned by the Ld Trial Court vide other impugned order dated 11.04.2022. Therefore, apparently the applicant / revisionist has preferred the present revision petition against the said impugned orders. However, interestingly, the revisionist / applicant has himself filed the present appeal on 19.02.2025, admittedly with a delay and for condoning the same an application has been filed by him under Section 5 of the Limitation Act which is now the subject matter of the present order.

6. No reply has been filed by the respondent/ complainant to the present condonation application of the applicant/ revisionist. As such, now coming to the submissions of the Ld Counsel for the revisionist / applicant as well as the submissions of Ld Counsel for the respondent/ complainant.

**SUBMISSIONS ON BEHALF OF THE APPLICANT/
REVISIONIST**

7. Ld Counsel for the applicant/ revisionist submits that the main grievance of the applicant/revisionist is that the original complainant/payee was Sh. Jagbir Singh, who had allegedly issued the statutory notice under Section 138(b) of the N.I Act, whereas the complaint was filed by Sh.Vikash Rana, who, according to the applicant/revisionist was not the original payee or holder of the cheque.

8. It is further submitted by the Ld Counsel for the revisionist/ applicant that the complaint of the complainant / respondent itself was filed with delay of about 72 days and despite the said delay and despite the complainant / respondent allegedly not being the original payee, the Learned Trial Court allowed the application for condonation of delay and summoned the present applicant / revisionist vide the impugned orders. It is further submitted by the Ld Counsel for the applicant/revisionist that the applicant/ revisionist could not challenge the said orders within limitation as he was not aware of the legal proceedings and was appearing in person and further was also suffering from leg injury due to an accident and was not properly assisted by any Counsel. It is further pleaded that due to such lack of awareness, legal assistance and physical difficulty, delay of approximately two years occurred in challenging the orders of the Ld Trial Court. Apart from the aforesaid submissions, it is also contended by the Ld Counsel for the applicant/ revisionist that the delay in filing the present revision petition is also attributable to the Corona

pandemic and the revisionist / applicant was also suffering from various disease and some unavoidable family troubles. It is further contended that the *Hon'ble Apex Court in Suo Moto Writ Petition Civil (c) 2020 in Re: Cognizance for Extension of Limitation* has also excluded the period from 15.03.2020 till 28.02.2022. *On the strength of these averments, Ld Counsel for the applicant/ revisionist has sought condonation of delay in filing the present revision petition.*

SUBMISSIONS ON BEHALF OF THE COMPLAINANT/RESPONDENT.

9. *Conversely*, Ld Counsel for the respondent/ complainant has strongly opposed the condonation application of the applicant/ revisionist on the ground that the delay is inordinate, unexplained and the reasons furnished are vague and general in nature. It is further submitted that the applicant/revisionist was aware of the proceedings pending before the Learned Trial Court and therefore cannot take a plea of lack of knowledge. It is further submitted that no medical record has been filed to show that the applicant/revisionist was incapacitated for such a long period as to prevent him from filing the present proceedings within limitation. It is further submitted that for condonation of delay sufficient cause has to be shown by the revisionist/ applicant which has never been explained by the revisionist / applicant. It is further contended that the period from 15.03.2020 to 28.02.2022 excluded by the *Hon'ble Apex Court in Re: Cognizance for Extension of Limitation (Supra)* also does not advances the case of the applicant/ revisionist as still no

explanation whatsoever has been furnished by the applicant beyond the said excluded period. *Accordingly, it is prayed that the application of the applicant / revisionist be dismissed.*

ANALYSIS AND FINDINGS

10. *I have heard the submissions of the Learned counsel for the parties at length and have carefully perused the record .*

11. The law relating to condonation of delay is well settled. Though the expression “sufficient cause” under Section 5 of the Limitation Act is to be construed liberally to advance substantial justice, however, the discretion of the Court cannot be exercised mechanically. It is trite to say that the applicant seeking condonation of delay must disclose a reasonable, bona fide and acceptable explanation / reasons for not approaching the Court within the prescribed period.

12. In ***Collector, Land Acquisition, Anantnag v. Mst. Katiji, (1987) 2 SCC 107***, the Hon’ble Supreme Court emphasised that a justice-oriented approach should ordinarily be adopted while considering applications for condonation of delay. In ***G. Ramegowda v. Land Acquisition Officer, (1988) 2 SCC 142***, it was observed by the Hon’ble Apex Court that substantial justice should not be defeated merely on technical considerations. However, the said liberal approach does not mean that every delay, howsoever long and unexplained, is to be condoned as a matter of course.

13. Recently, in *University of Delhi v. Union of India*, Civil Appeals No. 9488-9489 of 2019 {arising out of SLP (Civil) Nos 5581-5582 of 2019}, the Hon'ble Supreme Court declined to condone delay of 916 days and held that while every day's delay need not be explained with mathematical precision, a reasonable and acceptable explanation is necessary. It was specifically observed that routine explanation would not be enough and the explanation must indicate "**sufficient cause**" to justify the delay, depending upon the facts of each case. Relevant portion of the said Judgment is reproduced hereunder:-

"The consideration for condonation of delay would not depend on the status of the party namely the Government or the public bodies so as to apply a different yardstick but the ultimate consideration should be to render even handed justice to the parties. Even in such case the condonation of long delay should not be automatic since the accrued right or the adverse consequence to the opposite party is also to be kept in perspective. In that background while considering condonation of delay, the routine explanation would not be enough but it should be in the nature of indicating "sufficient cause" to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the Courts based on the fact situation. In the case of Katiji (Supra) the entire conspectus relating to condonation of delay has been kept in focus. However, what cannot also be lost sight is that the consideration therein was in the background of dismissal of the application seeking condonation of delay in a case where there was delay of four days pitted against the consideration that was required to be made on merits regarding the upward revision of compensation amounting to 800 per cent. "

14. In *State of Odisha & Ors. v. Managing Committee of Namatara Girls High School*, 2026 LiveLaw (SC) 161, the Hon'ble Supreme Court has reiterated that condonation of delay cannot be claimed as a matter of right and is entirely within the discretion of the Court. The Hon'ble Supreme Court deprecated

lethargic, tardy and casual conduct and observed that a weak, routine or lame excuse cannot be accepted as sufficient cause. It was further held that even where the applicant is the State or a public body, no different yardstick can be applied and the Court must keep in mind the accrued rights and adverse consequences to the opposite party.

15. Thus, the legal position which stands settled is that a liberal and justice-oriented approach is required, however, the liberal approach cannot be extended to condone long and inordinate delay on vague, routine or unsupported pleas. The explanation must be bona fide, specific and reasonably acceptable.

16. In the present case, the impugned order was passed by the Ld Trial Court way back on 10.12.2021 and 11.04.2022, whereas the present proceedings of the revision petition has been initiated / instituted by the revisionist / applicant on 19.02.2025. Thus, even after giving the applicant/revisionist the benefit of exclusion of limitation granted by the *Hon'ble Supreme Court in In Re: Cognizance for Extension of Limitation (Supra)*, the present revision petition has been filed after a highly belated period. The delay evidently is not marginal but is inordinate and substantial. The explanation offered by the applicant/revisionist is that he was unaware of the legal position and was suffering from leg injury and was lacking proper legal assistance. Subsequently, Ld Counsel for the applicant/ revisionist also raised contentions of the COVID pandemic and applicant/ revisionist suffering from various disease and some unavoidable family troubles. However,

surprisingly, the said explanations are totally vague and general in nature and even the medical grounds taken by the applicant/revisionist are not supported by any medical documents. Further, the applicant/ revisionist has also not disclosed any specific date on which he came to know about the impugned orders, the steps taken by him thereafter and the period during which he was allegedly incapacitated which all shatters the grounds taken by the applicant/ revisionist.

17. It is further interesting to note that the plea of leg injury of the applicant/ revisionist raised by the Ld Counsel for the revisionist / applicant is also not substantiated by any cogent medical record to show that the applicant/revisionist was physically incapacitated for such a long duration that he could not either appear, instruct counsel or take steps for filing the present proceedings. Needless to say that a mere bald assertion of injury, without particulars and supporting material cannot be accepted as sufficient cause for condoning an inordinate delay of about two years.

18. Similarly, the plea that the applicant/revisionist was unaware of the proceedings or was not properly advised is also not sufficient. The application itself shows that the applicant/revisionist was aware of the complaint case pending before the Learned Trial Court. Once the applicant/revisionist was participating in or had knowledge of the proceedings, it was incumbent upon him to act with due diligence. Mere assertion of lack of legal advice or ignorance of law, in the absence of

specific and convincing facts, cannot by itself justify such prolonged delay.

19. So far as the grounds raised by the applicant/revisionist regarding the locus of the complainant/ respondent in filing the complaint under Section 138 of the N.I Act, the alleged delay in filing the said complaint and the correctness of the impugned orders dated 10.12.2021 and 11.04.2022 are concerned, the same pertain to the merits of the present revision petition. However, before this Court can examine the matter on merits, the applicant/revisionist is required to first satisfy the Court that sufficient cause existed for not filing the present revision petition within limitation which in the present case, the applicant/revisionist has completely failed to do.

20. Furthermore, the exclusion of the period from 15.03.2020 to 28.02.2022 by the *Hon'ble Apex Court in Re: Cognizance for Extension of Period of Limitation (Supra)* also does not come to rescue of the revisionist/ applicant as the applicant/ revisionist has admittedly filed the present revision petition in the year 2025 i.e on 19.02.2025 which is grossly beyond limitation. The applicant /revisionist was required to explain the delay after the expiry of the extended period also, which he has completely failed to do.

21. It is also pertinent to note that the present revision petition is in a matter pertaining to a complaint under Section 138 of the N.I. Act which has remained pending before the Learned Trial

Court and as such permitting a belated challenge to the orders of the Learned Trial Court, without any satisfactory explanation for delay would cause prejudice to the respondent/complainant and would defeat the object of expeditious disposal of proceedings under Section 138 of the N.I. Act.

22. Therefore, having regard to the facts and circumstances of the case, the inordinate length of delay, the vague nature of the explanation and the absence of supporting material, this Court holds that no sufficient cause has been shown by the applicant/revisionist for condonation of delay. Accordingly, the application filed by the applicant / revisionist seeking condonation of delay is hereby dismissed.

Consequent upon dismissal of the application seeking condonation of delay, the present revision petition is also dismissed as barred by limitation.

Trial Court Record, if any, be sent back along with a copy of this order.

Revision File be consigned to Record Room after due compliance.

**(Ravinder Singh - II)
ASJ-05/South-West District,
Dwarka/ Delhi/06.06.2026**