

06.08.2026

**Present:** Shri Satyakam Saini, Ld. Counsel for the appellant  
alongwith appellant  
Sh. Karan Vir Tyagi, Ld Counsel for the respondent  
along with respondent.

Matter is listed for arguments on the application filed by the appellant under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 317 days in filing the present appeal.

*Arguments on the application have been heard on behalf of both sides. The record has also been carefully perused.*

Ld Counsel for the applicant has submitted that the appeal against the impugned order dated 17.08.2024 ought to have been filed within 30 days. It is further contended that infact the appeal was earlier filed by the appellant and during the pendency of the said appeal, settlement was arrived at between the parties and the appeal was withdrawn by the appellant. It is further contended that due to violation of terms of condition and as the settlement failed and further as the case file was lost and time was taken by the appellant in applying for certified copies, the present appeal had been filed with a delay of 317 days. *Accordingly, it is prayed that the delay be condoned and the appeal be heard on merits.*

*Conversely, Ld. counsel for the respondent at the outset has acknowledged the settlement and the failure thereof. However, it is also contended that the appellant was required to exercise due diligence and file the appeal within the prescribed period. It is further contended that the appellant has failed to furnish a satisfactory explanation for the delay and therefore, no ground for condonation is made out. Accordingly, it is prayed that the condonation application filed by the appellant be dismissed.*

I have carefully considered the rival submissions and I have further perused the record.

In terms of Section 29 of Protection of Women from Domestic Violence Act, 2005, an appeal has to be filed within 30 days. Therefore, apparently there is significant delay in filing the present appeal.

The principles governing condonation of delay are well settled. The expression “sufficient cause” occurring in Section 5 of the Limitation Act is required to receive a liberal and justice-oriented construction so that a meritorious matter is not defeated merely on a technical ground. At the same time, condonation of delay is not automatic or a matter of right. The applicant must furnish a bona fide, plausible and acceptable explanation, and the Court must be satisfied that the delay was not occasioned by deliberate inaction, gross negligence or lack of bona fides.

In *Collector, Land Acquisition, Anantnag v. Mst. Katiji*, (1987) 2 SCC 107, the Hon’ble Supreme Court emphasised that, where substantial justice and technical considerations are pitted against each other, the cause of substantial justice ordinarily deserves preference. In *G. Ramegowda v. Special Land Acquisition Officer*, (1988) 2 SCC 142, it was reiterated that the expression “sufficient cause” must be construed liberally where no gross negligence, deliberate inaction or want of bona fides is attributable to the party .

More recently, in *Sheo Raj Singh v. Union of India*, (2023) 10 SCC 531, the Hon’ble Supreme Court reiterated that the exercise of discretion under Section 5 depends upon the sufficiency and acceptability of the explanation furnished, and not merely upon the length of the delay.

In the present case, the delay apparently has occurred due to settlement between the parties which though later on was not complied with and could not fructify. The said settlement is also been acknowledged by Ld Counsel for the respondent. Therefore, the aforesaid explanation furnished by the appellant is plausible and does not disclose any deliberate inaction, mala fides or gross negligence on the part of the appellant. Apparently, refusal to condone delay in cases where prior settlement has been arrived at between the parties, the same would result in shutting out the appellant at the threshold and depriving him of an adjudication of the appeal on merits. The requirement of explaining the delay cannot be applied in an unduly rigid, pedantic or hyper-technical manner as the sufficient cause has broadly been established. Any inconvenience caused to the respondent can appropriately be balanced by imposition of costs.

***In view of the foregoing discussion, this Court is satisfied that the appellant has shown sufficient cause for condonation of the delay. Accordingly, the application is allowed. The delay in***

***filing the present appeal is hereby condoned, subject to payment of costs of ₹5,000/- to the respondent on the next date of hearing.***

The respondent is at liberty to file a reply to the appeal, with an advance copy to learned counsel for the appellant.

List the matter now for reply on the main appeal as well as arguments on NDOH.

In the meantime, parties are referred to Mediation Centre for exploring the possibility of settlement on **14.08.2026 at 12.30 pm**

Ahlmad is directed to send the case file before Mediation Centre.

Be listed before this court on **01.10.2026** for awaiting report of Mediation Centre/further proceedings.

**(Ravinder Singh - II)  
ASJ-05/South-West District,  
Dwarka/ Delhi/06.08.2026**