

**IN THE COURT OF MS. SHEFALI BARNALA TANDON,
ADDITIONAL SESSIONS JUDGE-06,
NEW DELHI DISTRICT, PATIALA HOUSE COURT, NEW DELHI**



Criminal Revision No: 298/2024
Jyotsana Chikersal Vs. M/s. Kassa Finvest (P) Ltd. &
Anr.
CNR NO. DLWT01-004316/2024

In the matter of :

Jyotsana Chikersal
D/o Late Sh. Dwarka Nath Behl
R/o K-33A, Ground Floor,
Kailash Colony, New Delhi-110048.

..... Revisionist

Versus

1. M/s. Kassa Finvest (P) Ltd.
Through its Managing Director/
Principal Officer
2. Ashok Kumar
S/o Late Sh. S. R. Vaish
Both at :
5, Pine Drive, DLF Chattarpur Farms,
Mehrauli, New Delhi-110070.

..... Respondents

Date of Institution	: 21.05.2024
Date of reserving order	: 31.01.2026
Date of pronouncement	: 16.02.2026

ORDER

1. By way of this order, the Court shall dispose of application under Section 5 of the Limitation Act filed on behalf of the revisionist seeking condonation of 317 days delay in filing the present revision petition.

Arguments addressed on behalf of applicant/revisionist

2. Ld. Counsel for the revisionist submitted that the original complaint filed by the revisionist was dismissed on 27.03.2023, however, her previous counsel failed to inform her about the proceedings of the case. He further submitted that the present counsel inspected the Court record and found the actual factual matrix of the case. Hence, the present revision petition could not filed within limitation period and the said delay is neither intentional nor deliberate.

2.1 To substantiate his arguments, Ld. Counsel for the applicant/revisionist has placed reliance upon the order passed by Hon'ble Supreme Court of India in case titled as ***Kumari Sahu Vs. Bhubanananda Sahu & Ors. (Dated 31.01.2025)***, wherein it has been observed that

“12. Even though the above-quoted case law is from the year 1981, we cannot deny the fact that the ground reality of a considerable proportion of litigants being completely dependent on their counsel remains the same, especially in regions with lower economic and educational prowess.

13. After a perusal of the impugned order which also produced the contents of the appellant's I.A. seeking condonation of delay, we find that the appellant-plaintiff had sufficiently explained the reasons leading to a delay of 225 days in preferring the RSA. It must be noted that once the appellant became aware about the dismissal of her first appeal, she exhibited haste and preferred the said RSA in August, 2022 itself. Therefore, given the facts and circumstances of the case, we find that the delay in preferring RSA No. 202 of 2022 deserved to be condoned."

Arguments addressed on behalf of respondents

3. Per contra, Ld. Counsel for the respondent No. 2 vehemently opposed the prayer made in the present application and argued that there was no plausible or sufficient reason purforth by the applicant/revisionist for such inordinate delay in preferring the present petition, hence, the delay ought not to be condoned.

3.1 To buttress her arguments, Ld. Counsel for respondent No. 2 has placed reliance upon the *Shivamma (Dead) By LRs. vs Karnataka Housing Board (Decided on 12 September, 2025)* reported in *2025 SCC Online SC 1969*.

Relevant Law

4. Arguments have already been heard on behalf of Ld. Counsel for the parties and perused the entire material available on record.

5. Before advertng to the arguments advanced on behalf of the parties, this Court deemed it appropriate to the law laid down by the Superior Court on the subject matter. In ***Collector, Land Acquisition, Anantnag & Anr. v. Mst. Katiji & Ors.*** Reported in (1987) 2 SCC 107, Hon'ble Apex Court has held that :

"xxxx such a liberal approach is adopted on principle as it is realized that:-

"Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 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."

1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.

2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.

3. "Every day's delay must be explained" does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned

deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.”

6. The case law relied upon by Ld. Counsel for Respondent No. 2 in case ***Shivamma (Supra)***, Hon’ble Supreme Court of India has elucidated the law after considering the earlier decisions of Court and has observed that :

“138. When a Court of Law deals with an application to condone the delay filed under Section 5 of the Limitation Act, such application will have to be generally viewed in a liberal and lenient way to do substantial justice between the parties. Section 5 of the Limitation Act must be liberally construed and applied so as to advance substantial justice. It is undoubtedly true that a justice oriented approach is necessary while deciding application under Section 5 of Limitation. However, it cannot be said that in every case delay must necessarily be condoned. It is a condition precedent for Section 5 of the Limitation Act that there must be a sufficient reason for condoning the delay.

139. However, while substantial justice must be advanced, the law of limitation is equally binding, and “sufficient cause” must be shown in substance, not in empty form. This ensures that the balance between

justice and certainty is not skewed in favour of unmerited litigants.

140. However, at the same time, the courts must be mindful that strong case on merits is no ground for condonation of delay. When an application for condonation of delay is placed before the court, the inquiry is confined to whether “sufficient cause” has been demonstrated for not filing the appeal or proceeding within the prescribed period of limitation. The merits of the underlying case are wholly extraneous to this inquiry. If courts were to look into the merits of the matter at this stage, it would blur the boundaries between preliminary procedural questions and substantive adjudication, thereby conflating two distinct stages of judicial scrutiny. The purpose of Section 5 of the Limitation Act is not to determine whether the claim is legally or factually strong, but only whether the applicant had a reasonable justification for the delay.

141. Test of “sufficient cause” cannot be substituted by an examination of the merits of the case. Condonation of delay is a matter of discretion based on explanation for the delay, not on the prospects of success in the case. If merits are considered, a litigant with a stronger case may be favoured with condonation despite negligence, while a weaker case may be rejected even if sufficient cause is made out. This would lead to an inequitable and inconsistent application of the law, undermining the uniform standard that the doctrine of limitation is designed to maintain.”

7. Further, Hon'ble High Court of Delhi in case titled as ***Sunil Kumar Vs. Rajeev Suri (Dated 18.12.2025)***, has held that :

“40. In view of the aforesaid decision of the Hon'ble Supreme Court, we believe that there is no cavil to the proposition that while considering an application for condonation of delay, the Court must adopt a „liberal approach“ and ought not to adopt a hyper-technical approach. That being said, the law nevertheless requires the Applicant to furnish a reasonable, credible, and cogent explanation for the period sought to be condoned. In the present case, no such explanation or „sufficient cause“ is forthcoming, much less one that inspires the confidence of this Court, which can sufficiently explain the cause of the magnanimous delay of 1883 days.

41. It is trite in law that delay cannot be condoned as a matter of generosity or benevolence. The quest for substantial justice cannot be permitted to eclipse the corresponding right of the opposing party to be free from undue prejudice occasioned by protracted and unexplained inaction. In the present case, the Appellant has failed to disclose any reasonable or cogent explanation for the enormous delay of 1883 days in pursuing their remedies. This foundational requirement for invoking this Court's discretionary power to condone the delay thus remains wholly unfulfilled.

42. In view of the facts, circumstances, and legal position delineated hereinbefore, we are unable to persuade ourselves to condone the delay in filing of the present Appeal; accordingly, the present Application,

*seeking condonation of delay in filing the Appeal,
stands rejected.”*

Court's Observation

8. In view of aforesaid observations made by Superior Courts, it is crystal clear that the discretion to condone the delay has to be exercised judiciously based upon the facts and circumstances of each case. Law is well settled that there should be condonation of delay, if justified to enable the Courts to do substantial justice and to apply law in meaningful manner which subserves the ends of justice.

9. In the instant case, the revisionist took up a plea that earlier counsel failed to apprise her the progress of the case and came to know only after about one year when her new engaged counsel inspected the judicial record.

10. The said plea does not find support from the Trial Court Record which reflects that despite directions issued on several dates, the complainant failed to file the PF for service of accused persons. Even after 25.03.2022, the complainant failed to appear before the Ld. Trial Court and on 26.11.2025, Ld. Proxy Counsel for the complainant appeared and sought time on the ground of non-availability of main counsel and matter was adjourned for 27.03.2023. Again on 27.03.2023, neither complainant nor her counsel appeared before the Ld. Trial Court and after granting sufficient opportunity to the complainant/revisionist herein dismissed the complaint under Section 204 Cr. PF for not taking step. It was the duty of the complainant to get update of her case and pursue the same but she failed to adopt due

diligence. The party cannot have a blame game upon the counsel when they themselves are not vigilant enough in pursuing their own matters that too when specifically, they have been made aware through court notice of the same in connected matter also. Admittedly, the revisionist has been sleeping over almost one year in getting the knowledge about the proceedings of her case and then got the judicial file inspected. The overall conduct of the conduct as reflected above only shows that the proceedings have been delayed and not pursued in normal course of action. The present revision has been filed after delay of almost one year without giving any sufficient cause for not getting the update of the proceedings from her Ld. Counsel and it is not sufficient to passover the buck to the Ld. Counsel that he did not inform. It is well settled preposition of law that law does not come to recourse for the one who sleeps over his rights.

11. From the above discussion and considering settled principles for condoning the delay, this Court finds that the revisionist failed to putforth sufficient cause for delay on record in filing the present revision.

12. Even otherwise, as already discussed in the preceding paragraphs, this Court has already noted that sufficient opportunities have been granted to the complainant/revisionist to pursue her case which she failed to do so and the case was finally dismissed for non-appearance and prosecution by the Ld. Trial Court vide impugned order.

13. In view of aforesaid discussion, the present application for condonation of delay in filing the present revision petition is hereby dismissed.

14. Accordingly, the file of this revision petition be consigned to record room after due compliance.

**Pronounced in the open
Court on 16.02.2026**

**(Shefali Barnala Tandon)
Additional Sessions Judge -06,
New Delhi District, Patiala House Court,
New Delhi**