

IN THE COURT OF SESSIONS JUDGE, BARABANKI
Miscellaneous Criminal Case No.- 154/2026
CNR No. UPBB010017392026

Chhotelal vs **Rammahesh and others.**
U/s- 05 of Limitation Act.
P.S. Kotwalinagar, Barabanki.

09.06.2026

File taken up. Case called out. Learned counsel for the applicant as well as opposite parties present. The case is fixed for hearing on application Ba-8.

Disposal application Ba-8 under Section 5 of Limitation Act-

2. The miscellaneous application Ba-8 supported by affidavit Ba-9 under Section- 5 of Limitation Act has been submitted by the applicant to the effect that the applicant who is a poor man after the order passed in the said case, got afflicted with intermittent fever and was unable to move around due to which he could not come to Barabanki and submit his appeal. Now, after arranging money, he is submitting the appeal. The delay has occurred due to the above reason is excusable and he is entitled to get the benefit of Section 5 of the Limitation Act.

3. An objection paper no. Ba-12 with affidavit has been filed by the opposite party no. 1 stating that The opposite party had filed the registered notice of the aforementioned Rent Act case in violation of 26.10.2012, within the prescribed time period. Due to which, after the appearance of the opposite party in court, the case should have been disposed of within 6 months. But due to complete non-cooperation during trial by the appellant/accused, the case could be decided with great difficulty after about a decade. The applicant has deliberately, with mala fide intention, engaged in the above-mentioned delaying conduct until the filing of the appeal. In view of the facts and circumstances, it would be in the interest of justice that only after making it a mandatory condition that approximately 75% of the monetary amount ordered by the trial court be deposited with the applicant or in the government treasury, should the limitation law and other remedies be considered.

4. Heard the learned counsel for the applicant as well as opposite parties and perused the record carefully.

5. It is clear from the perusal of the record that the present impugned order was passed by the concerned court on 01.10.2025. The applicant has taken the ground in his application that the delay in filing the application was due to illness and some financial conditions. The applicant has not caused any delay deliberately. This criminal appeal is 123 days out of the time limit.

6. In case of **State of Haryana vs Chandra Mani (AIR 1996 Supreme Court Page No. 1623)**, the Hon'ble Supreme Court has held that:-

" The Court should keep in mind that non-condonation of delay is like closing the doors of justice for any party. This rule of 5 limitation act is a beneficial provision made for the protection of the parties. Therefore, the court should adopt a liberal approach in condoning the delay."

7. The present application is supported by affidavit. This criminal revision is 29 days out of the time limit. The delay in filing the present criminal revision appears to be bona-fide.

8. Accordingly, the application Ba-8 is liable to be allowed at the costs and the delay of 123 days in filing criminal appeal is liable to be condoned.

Order

The application Ba-8 (under section- 5 of Limitation Act) is allowed at costs of Rs. 500/- and the delay of 123 days in filing this criminal appeal is hereby condoned.

The costs of compensation shall be deposited in the account of the Secretary, District Legal Service Authority by the applicant within one week of passing of the order.

If the cost is not deposited by the applicant within a week, he will not get the benefit of the said order.

Put up on 11.07.2026 for hearing on the point of admission.

(Pratima Srivastava)

Sessions Judge,

Barabanki.

09.06.2026