

IN THE COURT OF SHRI PAWAN KUMAR, ADDITIONAL
SESSIONS JUDGE-06, SOUTH DISTRICT, SAKET COURTS,
NEW DELHI

REVISION PETITION NO. 496 of 2025
CNR No. DLST01-016909-2025

IN THE MATTER OF:

SATYA PRAKASH BAGLA

S/o Sh. Lalit Bagla,
R/o 7/17, Sarvpriya Vihar,
New Delhi-110016

.....Revisionist

Versus

KANTA AGARWALA

W/o Suresh Kumar Agarwal
R/o 8A Queens Park,
Bullygunge, Kolkata-700019

.....Respondent

<i>Instituted on</i>	<i>: 14.10.2026</i>
<i>Reserved on</i>	<i>: 22.04.2026</i>
<i>Pronounced on</i>	<i>: 15.07.2026</i>

JUDGMENT

01. Vide instant revision, the revisionist takes exception to the order dated 11.09.2025 passed in the Complaint Case bearing no. 8892/2024 titled as *Satya Prakash Bagla Vs. Kanta Agarwala* passed by Ld. JMFC

(NI Act-04) South District, Saket Court, New Delhi. The Ld. Trial Court has dismissed the application for condonation for delay in filing the complaint under Section 138 NI Act and accordingly, the complaint was also dismissed being barred by limitation.

02. Brief facts may be taken note of : The revisionist has filed a complaint under Section 138 NI Act against the respondent for dishonour of cheque issued by the respondent in favour of the revisionist. The cheque in question was issued by the respondent on 30.06.2024 for sum of Rs. 54,75,00,000/- (Fifty Four Crore and Seventy Five Lakh Only). On presentation, the cheque in question got dishonoured vide return memo dated 02.07.2024. The complainant/revisionist had dispatched a legal demand notice dated 27.07.2024 and despite receipt of legal demand notice, the cheque amount in question was not paid by the respondent. The present complaint was filed on 28.10.2024. The complaint is accompanied with an application for condonation of delay under Section 5 of the Limitation Act.

03. Vide impugned order, the Ld. Trial Court has dismissed the application for condonation of delay and the relevant portion of the order is reproduced as follows:

“13. The law under limitation is based on the maxim *vigilantibus non dormientibus jura subveniunt* which means that the law assists those who are vigilant, not those who sleep on their rights. In the present case, the actions of the complainant do not suggest that he

was vigilant enough to file the present complainant within the limitation period and it rather suggests that he was casual/callous about it.

14. The rejoinder to the legal demand notice has been sent by the complainant himself. He has been represented by battery of lawyers in the other matters, which shows that the complainant has sufficient legal acumen.

15. Once again analysing the reasons given by the complainant, he stated that on 27.06.2024, his father expired and he was in grief and was attending the rituals there, however, the first demand notice was sent by him on 27.07.2024 and thereafter, the rejoinder was sent on 21.08.2024, the limitation started on 17.08.2024 and expired on 16.09.2024, so he had sufficient time to file the complaint.

16. He further stated that he was waiting for the accused to make the payments that itself is a very absurd reason given by the complainant. He further stated that he went out of city for business purposes, however, no details have been furnished qua the same nor any documentary proof has been filed.

17. The Hon'ble Supreme Court in catena of judgment held that while deciding an application for condition of delay, the reason furnished by the applicant is to be seen as whether that constitutes a sufficient cause or not and not the length/days of delay. Reliance in this regard is placed on the judgment of the Hon'ble Supreme Court in *N. Balakrishnan vs M. Krishnamurthy AIR 1998 Supreme Court 3222*.

18. In the present case, the reasons stated by the complainant to my mind does not constitute sufficient cause to condone the delay. Considering the same, the application stands dismissed.”

04. The impugned order of dismissal of application for condonation of delay and consequent dismissal of the complaint is being challenged in the instant revision petition and substance of the grounds of the petition are as follows:

i) That the impugned order is bad in law and founded on erroneous interpretation and improper rejection of sufficient

cause;

ii) That Ld Trial Court failed to consider the well settled judicial principle that the expression 'sufficient cause' under Section 142(B) of NI Act should be construed liberally and beneficially to advance substantial justice, rather than to penalise delay with technical construction;

iii) That the Ld Trial court erroneously concluded that the revisionist's engagement in other legal proceedings negated the existence of sufficient cause for the delay in filing the complaint;

iv) That the impugned order of dismissal of condonation of delay effectively foreclosed the revisionist's right to seek redressal in a matter involving huge financial implications leaving the revisionist without any effective remedy;

v) That the Ld. Trial Court has erred while dismissing the application for condonation of delay despite sufficient cause being submitted by the revisionist and effectively it denied substantial justice on merits to the revisionist;

vi) That the Ld. Trial Court failed to appreciate that after demise of his father, the revisionist was grief stricken and apart from that the respondent had lodged case FIR before EOW against the revisionist and due to these reasons, the complaint was filed after delay of 39 days.

05. I have heard the rival submissions made by both the parties and carefully perused the record.

06. Ld. Counsel for the revisionist has argued in the line of grounds of the revision petition. It is submitted that after issuance of legal demand notice, reply was filed by the respondent and he denied the liability. It is further argued that instead of payment of cheque amount in question, the respondent had filed a complaint against the revisionist

with PS EOW and a civil suit was filed in Patiala House Courts, due to which the revisionist was occupied in procuring the documents qua aforementioned litigation, which led to delay in filing the complaint. Moreover, father of the revisionist passed on 27.06.2024 and due to urgent family and business obligations, there was delay in filing the present complaint. It is submitted that the Ld. Trial Court has dismissed the complaint being time barred by adopting rigid and pedantic approach. The appellant has relied upon the following judgements:

- *Birendra Prasad Sah v. The State of Bihar & Anr. Crl. Appeal No (S). 000868 of 2019;*
- *C. Prabakaran v. M. Shanti Crl. R. C. (MD) No. 1199 of 2023 &;*
- *State of Nagaland v. Lipok AO & Ors. (2005) 3 Supreme Court Cases 752*

07. Ld. Sr. Advocate appearing for the respondent has submitted that there is no infirmity or illegality in the impugned order and the Ld. Trial Court has passed the well reasoned order while dismissing the complaint being time barred. It is further submitted that the revisionist failed to give any sufficient cause for delay in filing the complaint. It is further argued that the revisionist was pursuing various other litigations against the respondent and related party during the period in which he claims to have been incapacitated or unable to file the complaint. It is further submitted that the revisionist had created false excuses to justify the delay in filing the complaint and the Ld. Trial Court has rightly

dismissed the application for condonation of delay. The respondent has relied upon the following judgements:

- *Shivamma (dead) by LRs v. Karnataka Housing Board & Ors. 2025 SCC Online SC 1969;*
- *P K Choundhury v. Commander, 48 BRFT (GREF), (2008) 13 SCC 229;*
- *K. S. Joseph v. Philips Carbon Black Limited and Anr. (2016) 11 SCC 105*
- *Majji Sannemma v. Reddy Sridevi (2021) 1 SCC 625 &;*
- *Mool Chandra v. UOI & Anr. (2025) 1 SCC 625*

08. The Hon'ble Apex Court in the judgement of *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy & Ors. (2013) 12 Supreme Court Cases 649* has extensive deliberation on the aspect of condonation of delay and sum up the broad principle as follows:

21. From the aforesaid authorities the principles that can broadly be culled out are:

21.1(i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.

21.2.(ii) The terms "sufficient cause" should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact- situation.

21.3.(iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.

21.4.(iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.

21.5.(v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.

21.6.(vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.

21.7.(vii) The concept of liberal approach has to encapsule the conception of reasonableness and it cannot be allowed a totally unfettered free play.

21.8.(viii) There is a distinction between inordinate delay and a delay of short duration or few days, for to the former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.

21.9.(ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.

21.10.(x) If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.

21.11.(xi) It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.

21.12.(xii) The entire gamut of facts are to be carefully scrutinized and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.

21.13.(xiii) The State or a public body or an entity representing a collective cause should be given some acceptable latitude.”

09. The Hon’ble Apex Court in the recent judgement titled and reported as ***Shivamma (dead) by LRS v. Karnataka Housing Board & Ors. Appeal No. 11794 of 2025*** (Arising out of Special Leave Petition (C) No. 10704 of 2019) made extensive deliberation upon the exercise of discretion under Section 5 of the Limitation Act. In this judgement, the Apex Court considered contrary views in different judgement and interpreted the words ‘within such period’. The relevant extract of the judgement are as follows:

“40. As such, under Section 5 of the Limitation Act, for the purpose of seeking condonation of delay in filing of an appeal or application, as the case may be, beyond the stipulated period of limitation, the delay in the filing has to be explained by demonstrating the existence of a “sufficient cause” that resulted in such delay for both the prescribed period of limitation as-well as the period after the expiry of limitation, up to actual date of filing of such appeal or application, as the case may be, or to put it simply, explanation has to be given for the entire duration from the date when the clock of limitation began to tick, up until the date of actual filing, for seeking condonation of delay by recourse to Section 5 of the Limitation Act.

115. However, as is manifest from the entire discussion above, for the purpose of condonation of delay in terms of Section 5 of the Limitation Act, the delay has to be explained by establishing the existence of “sufficient cause” for the entirety of the period from when the limitation began till the actual date of filing. In other words, if the period of limitation is 90-days, and the appeal is filed belatedly on the 100th day, then explanation has to be given for the entire 100-days.”

10. In the case of the ***Shivamma (dead)*** (supra), the Apex Court further discussed the term ‘sufficient cause’ and lays down the principle as to what would constitute ‘sufficient cause’ to explain the delay in terms of Section 5 of the Limitation Act. The relevant observations of the Apex Court in this regard are as follows:

*“119. The expression “sufficient cause” employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice — that being the life-purpose for the existence of the institution of courts. Despite the liberal approach being adopted in such matters, which was termed justifiable, this Court lamented that the message had not percolated down to all the other courts in the hierarchy and, accordingly, emphasis was laid on the courts adopting a liberal and justice- oriented approach. [See: ***Sheo Raj Singh v. Union of India***, (2023) 10 SCC 531]*

120. Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an “explanation” and an “excuse”. An “explanation” is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the

person to point out that something that has happened is not his fault, if it is really not his fault. Care must, however, be taken to distinguish an “explanation” from an “excuse”. Although people tend to see “explanation” and “excuse” as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real. [See: *Sheo Raj Singh v. Union of India*, (2023) 10 SCC 531].

122. The exceptional provision of condonation of delay on grounds of “sufficient cause” is couched as a manifestation of substantive justice. This Court in *Pathapati Subba Reddy (Died) by L.Rs. v. Special Deputy Collector (LA)*, reported in 2024 SCC OnLine SC 513, summarized the principles governing the exceptions imagined under “sufficient cause” vis-à-vis substantive justice as under: -

“26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

- (i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;
- (ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;
- (iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;
- (iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;
- (v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;
- (vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

- (vii) Merits of the case are not required to be considered in condoning the delay; and
- (viii) *Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”* (Emphasis supplied)

130. The quantum of delay has no direct nexus in law with sufficiency of the cause. The law are independent and diverse factors. Hence the extent of delay should not determine whether the cause is sufficient or not. Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter, acceptability of the explanation is the criterion. The criterion for condoning the delay is sufficiency of reason and not the length of the delay.”

11. The present complaint pertains to dishonour of cheque of Rs. 54,75,00,000/-. The Ld. Trial Court has rightly observed that there is a delay of 39 days in filing the complaint. Although, the application for condonation of delay was filed under Section 5 of the Limitation Act and the Ld. Trial Court has considered the application under Section 142 NI Act.

12. The main thrust of the application for condonation of delay is that on 27.06.2024, father of the complainant had expired at Kolkatta and thereafter, the revisionist was under grief and preoccupied in attending last rituals at Kolkatta and New Delhi. It is further the case of the revisionist that after his father's death he was burdened with family and business obligations and for that reason there was some delay in filing the complaint.

13. The factum of death of revisionist's father is not in dispute. The legal demand notice was sent on 27.07.2024 and thereafter, the respondent had lodged complaint before EOW against the revisionist and had also filed civil suit in Patiala House Court. Even in the reply to the application for condonation of delay, it is recorded that during the relevant period, the revisionist had been pursuing multiple litigation before NCLAT and High Court of Delhi. The factum of being preoccupied in multiple litigation at the relevant time is very much on record.

14. On careful perusal of the record and after giving thoughtful consideration to the submissions made by both the parties, I am of the opinion that at the relevant point of time, the complainant was struggling with multiple litigations qua the subject matter of this complaint and other cases. In one of the writ petitions, the complainant was facing litigation with respect to notice of Enforcement Directorate (ED). Furthermore, after issuance of legal demand notice in this case, one FIR was registered against the complainant by EOW and one civil suit was filed. The very fact of multiple criminal and civil litigations being faced by the complainant at the relevant point of time become more onerous due to death of his father. The facts to establish sufficient cause cannot be brushed aside stating that the complainant could have pursue this complaint as he was litigating in other matters.

15. The dismissal of the complaint of dishonour of cheque of such a

huge amount by adopting rigid and hyper-technical approach by Ld. JMFC effectively took away the right of substantial justice to the complainant. While considering the application for condonation of delay, the court should adopt liberal approach unless the delay is deliberate and due to some malafide on the part of the applicant. In the instant case, no gross negligence or malafide appear on the part of the complainant. There is nothing on record to suggest that the delay in filing the complaint was due to any deliberate dereliction or malafide conduct on the part of the applicant.

16. In light of aforesaid discussions and considering the law laid down by the Superior Courts, this court is of the view that the impugned order suffers from incorrectness and illegality on the facts and law. Accordingly, the revision petition stands allowed and the impugned order is set aside. Ld. Trial Court is directed to restore the complaint to its original number and proceed as per law.

17. TCR, if any, be sent back to the Ld. Trial court alongwith copy of this judgment.

18. Revision file be consigned to Record Room after due compliance.

**Announced in the open
Court on 15th July, 2026**

**(PAWAN KUMAR)
Additional Sessions Judge-06,
South District, Saket Courts, New Delhi**