



2026:CGHC:4230

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 79 of 2024

Dulesh Gahiwar S/o Gofe Lal Gahiwar, Aged About 25 Years R/o Village Pahanda, Police Station And Tahsil Balodabazar, District : Balodabazar-Bhathapara, Chhattisgarh

... Applicant(s)

versus

1 - Smt. Shweta Gahiwar W/o Dulesh Gahiwar, Aged About 23 Years R/o Pahanda, Police Station And Tahsil Balodabazar, District Balodabazar Bhathapara Chhattisgarh Present Address Village Salauni, Police Station Palari, District Balodabazar Bhathapara Chhattisgarh.

2 - Minor Ku. Harshita Gahiwar D/o Dulesh Gahiwar, Aged About 3 Years Minors Through Their Natural Guardian Mother Shweta Gahiwar W/o Dulesh Gahiwar, R/o Pahanda, Police Station And Tahsil Balodabazar, District Balodabazar Bhathapara Chhattisgarh Present Address Village Salauni, Police Station Palari, District Balodabazar Bhathapara Chhattisgarh.

3 - Minor Yusuf Gahiwar S/o Dulesh Gahiwar, Aged About 6 Years Minors Through Their Natural Guardian Mother Shweta Gahiwar W/o Dulesh Gahiwar, R/o Pahanda, Police Station And Tahsil Balodabazar, District Balodabazar Bhathapara Chhattisgarh Present Address Village

Salauni, Police Station Palari, District Balodabazar Bhathapara
Chhattisgarh.

... Respondent(s)

For Applicant(s) : Mr. Yogesh Chandra, Advocate

For Respondent(s) : Mr. Pawan Kumar Kashyap, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

23.01.2026

1. Heard Mr. Yogesh Chandra, learned counsel for the applicant. Also heard Mr. Pawan Kumar Kashyap, learned counsel appearing for the respondent on I.A. No. 01 of 2024, which is an application for condonation of delay of 238 days in preferring the instant criminal revision.

2. Learned counsel appearing for the applicant submitted that the impugned order dated 13.02.2023 (Annexure A-1) has been assailed by way of the present revision. It is contended that the applicant could not approach this Court within the period of limitation and that there is a delay of about 238 days in filing the revision. Explaining the delay, it was urged that the applicant is a labourer and an uneducated person and is not well-versed with court proceedings. Upon coming to know about the order passed by the learned Court below, he immediately approached an advocate at the High Court of Chhattisgarh, Bilaspur, and thereafter filed the present revision without any intentional delay. Accordingly, he prays for condoning the delay in the interest of justice

and proceed to hear the revision on merits.

3. On the other hand, learned counsel appearing for the respondent opposes the prayer for condonation of delay and submits that the applicant has failed to demonstrate any sufficient cause for not preferring the revision within the prescribed statutory period. It is contended that a delay of about 238 days is inordinate and cannot be brushed aside lightly, as condonation of such prolonged delay defeats the very object of the law of limitation, which is to ensure certainty and finality in litigation. It is further argued that the reasons assigned by the applicant lack of knowledge for proceeding of Criminal Revision as well as filing of limitation of revision petition. The respondent, therefore, prays that the application for condonation of delay be rejected, and consequently the revision petition itself be dismissed as barred by limitation.

4. I have heard learned counsel appearing for the parties as also perused the application for condonation of delay in preferring the instant criminal revision.

5. The primary question that arises for consideration before this Court is whether the delay of about 238 days in preferring the present revision petition deserves to be condoned or not.

6. Recently, the Hon'ble Supreme Court in the matter of ***State of Madhya Pradesh v. Ramkumar Choudhary, 2024 INSC 932***, while considering the delay, issued some directions and observed as follows:-

“5. The legal position is that where a case

has been presented in the Court beyond limitation, the petitioner has to explain the Court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the Court within limitation. In Majji Sannemma v. Reddy Sridevi, 2021 SCC Online SC 1260, it was held by this Court that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. A reference was also made to the decision of this Court in Ajay Dabra v. Pyare Ram, 2023 SCC Online 92 wherein, it was held as follows:

"13. This Court in the case of Basawaraj v. Special Land Acquisition Officer [(2013) 14 SCC 81] while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:

"15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained

inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.”

14. Therefore, we are of the considered opinion that the High Court did not commit any mistake in dismissing the delay condonation application of the present appellant.”

Thus, it is crystal clear that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case and that, the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bona fides is attributed to the party.

5.1. In Union of India v. Jahangir Byramji Jeejeebhoy (D) through his legal heir, 2024 INSC 262, wherein, one of us (J.B.Pardiwala, J) was a member, after

referring to various decisions on the issue, it was in unequivocal terms observed by this Court that delay should not be excused as a matter of generosity and rendering substantial justice is not to cause prejudice to the opposite party. The relevant passage of the same is profitably extracted below:

“24. In the aforesaid circumstances, we made it very clear that we are not going to look into the merits of the matter as long as we are not convinced that sufficient cause has been made out for condonation of such a long and inordinate delay.

25. It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the respondent has not been able to reap the fruits of his decree. It would be a mockery of justice if we condone the delay of 12 years and 158 days and once again ask the respondent to undergo the rigmarole of the legal proceedings.

26. *The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.*

27. *We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging*

over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

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34. In view of the aforesaid, we have reached to the conclusion that the High Court committed no error much less any error of law in passing the impugned order. Even otherwise, the High Court was exercising its supervisory jurisdiction under Article 227 of the Constitution of India.

35. In a plethora of decisions of this Court, it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case.

36. For all the foregoing reasons, this appeal fails and is hereby dismissed. There shall be no order as to costs.”

Applying the above legal proposition to the facts of the present case, we are of the opinion that the High Court correctly refused to condone the delay and dismissed the appeal by observing that such inordinate delay was not explained satisfactorily, no sufficient cause was shown for the same, and no plausible reason was put forth by the

State. Therefore, we are inclined to reject this petition at the threshold.

6. At the same time, we cannot simply brush aside the delay occurred in preferring the second appeal, due to callous and lackadaisical attitude on the part of the officials functioning in the State machinery. Though the Government adopts systematic approach in handling the legal issues and preferring the petitions/applications/appeals well within the time, due to the fault on the part of the officials in merely communicating the information on time, huge revenue loss will be caused to the Government exchequer. The present case is one such case, wherein, enormous delay of 1788 days occasioned in preferring the second appeal due to the lapses on the part of the officials functioning under the State, though valuable Government lands were involved. Therefore, we direct the State to streamline the machinery touching the legal issues, offering legal opinion, filing of cases before the Tribunal / Courts, etc., fix the responsibility on the officer(s) concerned, and penalize the officer(s), who is/are responsible for delay, deviation, lapses, etc., if any, to the value of the loss caused to the Government. Such direction will have to be followed by all the States scrupulously.

7. There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that

whenever there is a plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91st day till the last is of no consequence. The court is required to consider what came in the way of the party that it was unable to file it between the 1st day and the 90th day. It is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. (See: Ajit Singh Thakur Singh and Another v. State of Gujarat, AIR 1981 SC

733).”

7. Taking into account the facts and circumstances of the present case, in the light of the aforementioned judgment of the Hon’ble Supreme Court in ***Ramkumar Choudhary*** (supra), it is evident that the discretion to condone delay has to be exercised with great caution and only upon a clear and satisfactory demonstration of “sufficient cause.” The law is well-settled that poverty or ignorance of law, by themselves, do not constitute such sufficient cause, and that negligence, inaction or lack of bona fides cannot be overlooked under the guise of advancing substantial justice.

8. In the backdrop of the aforesaid legal principles and upon careful consideration of the rival submissions, this Court finds that the delay of 238 days in filing the present revision is grossly inordinate. The explanation offered by the applicant that the applicant is a labourer and an uneducated person and is not well-versed with court proceedings. Upon coming to know about the order passed by the learned Court below, he immediately approached an advocate at the High Court of Chhattisgarh, Bilaspur, and thereafter filed the present revision without any intentional delay, cannot be treated as “sufficient cause” in the eye of law. It is now well-settled that ignorance of law by themselves does not constitute adequate justification for condoning delay, nor can the valuable right that accrues to the opposite party by virtue of the law of limitation be lightly taken away.

9. The doctrine of limitation is founded upon public policy that seeks

to ensure certainty and finality in litigation. Once the statutory period has expired, a litigant seeking indulgence of the Court must show diligence and bona fides, and must explain satisfactorily, the circumstances which prevented timely action. In the present case, the applicant has not been able to point out any circumstance arising within the period of limitation which disabled him from approaching this Court and the explanation provided by the applicant cannot be construed as sufficient cause for condonation of delay, particularly when the delay is prolonged and unexplained for a substantial period.

10. Therefore, this Court is constrained to hold that no case for condonation of delay is made out. The application for condonation of delay is accordingly rejected. As a consequence, the instant criminal revision petition, being hopelessly barred by limitation, also stands **dismissed** on the ground of delay and laches.

**Sd/-
(Ramesh Sinha)
Chief Justice**