



2026:CGHC:3250

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SA No. 428 of 2020

Ramdhin S/o Shyam Singh Aged About 56 Years By Caste Halba, R/o Village Gudum, Police Station Dondi, Tahsil Balod, District Balod Chhattisgarh.....Plaintiff,

... Appellant

versus

1 - Gram Panchayat Gudum Through Umatram Kothari, By Caste Halba, Sarpanch Gram Panchayat Gudum, Tahsil Balod, District Balod Chhattisgarh.....Defendant

2 - Motiram By Caste Halba, Gram Patel, R/o Village Gudum, Police Station Dondi, Tahsil Balod, District Balod Chhattisgarh.....Defendant

3 - Duguram S/o Milap, By Caste Halba, R/o Village Gudum, Police Station Dondi, Tahsil Balod, District Balod Chhattisgarh.....Defendant

4 - Shyamlal S/o Ganesh Halba, Sachiv, Gram Panchayat Gudum, R/o Village Gudum, Police Station Dondi, Tahsil Balod, District Balod Chhattisgarh.....Defendant

5 - Mohan S/o Mangal Halba R/o Village Gudum, Police Station Dondi, Tahsil Balod, District Balod Chhattisgarh.....Defendant

6 - State Of Chhattisgarh Through Collector, District Durg Chhattisgarh.....Defendant

... Respondents

(The cause title is as per the Memo of Appeal)

For Appellant : Mr. Ramdhin, Appellant in person.

For Respondents no.1,3,4 : Mr. Purnendra Khichariya, Advocate
and 5

For Respondent/State : Mr. Anand Gupta, Dy.G.A.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

20/01/2026

1. Heard on I.A. No. 4/2025, which is an application filed by the appellant in person seeking permission to argue the appeal in person.
2. On due consideration and for the reasons mentioned in the application, the same is allowed.
3. Also heard on I.A. No.1/2020, application for condonation of delay in filing the present appeal. The present application is filed by the appellants/plaintiff for condonation of delay of 4936 days in filing the appeal.
4. The appellant/plaintiff in person submits that the appellant/plaintiff, appearing in person, submits that he was under the impression that the matter was still pending before this Court through his local counsel of the trial court since 2007. However, when the appellant approached the Registry of this Court and enquired about the status of his matter, he was informed that no such matter had been pending since 2007. Thereafter, the appellant applied for the relevant documents on 10/02/2019 and received the same on 25/04/2019.

5. Per contra, learned counsel for the respondents would submit that the instant appeal has been preferred by the appellant with an unexplained and inordinate delay and the appellant has failed to offer cogent and plausible explanation and hence the appeal may be dismissed on the ground of delay and laches.
6. I have heard learned counsel for the parties and perused the material available on record.
7. A bare perusal of the application for condonation of delay shows that the appellant has taken the plea that he was under the impression that the matter was pending before this Court through his local trial court counsel since 2007 and came to know otherwise only upon enquiry with the Registry. This cannot be considered a strong or sufficient ground for condonation of delay. The explanation offered is vague and does not inspire confidence. Accordingly, the inordinate and unexplained delay of 4936 days in filing the appeal does not deserve to be condoned. When the delay is inordinate, he ought to have given full particulars as to what prevented him from filing the appeal on time and even otherwise, there is no detail regarding appellant as to why they could not take steps to file the appeal right on time. However, except for making bald and general assertions, no satisfactory explanation has been furnished accounting for each day's delay of 4936 days.

8. True it is that sufficient cause enumerated under Section 5 of the Limitation Act has to be construed liberally, but some cause much less sufficient cause has to be shown for condoning the delay particularly, when the delay is of more than two years. No such sufficient cause has been shown in the application for condonation of delay of 4936 days in filing the second appeal.
9. In the absence of any sufficient cause, the application under Section 5 of the Limitation Act cannot be entertained as a matter of routine, particularly, when the delay in filing of the instant appeal is for a period of 60 days.
10. Hon'ble Supreme Court in the case of **Basawaraj and another**s. **The Spl. Land Acquisition Officer, reported in 2013 (14) SCC 81**, has, in very categorical terms, after considering a series of judgements of Supreme Court on Section 5 of the Limitation Act, the Supreme Court held 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 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. It further held that 'sufficient cause' means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in

view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". The applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application of condonation of delay. Para's 12 & 15 of the said decision read as under :-

12. It is a settled legal position that law of limitation may harshly affect a particular party but it has to be shown period of limitation on equitable grounds. "A result prescribes. The Court has no power to extend the Court has no power to ignore the provision to relieve flowing from a statutory provision is never an evil. A what is considered a distress resulting from its operation." The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same. The legal maxim "dura lex sed lex" which means "the law is hard but it is the law", stands attracted in such a situation. It has consistently been held that, "inconvenience is not" a decisive factor to be considered while interpreting a statute.

15.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 justified ground to condone the delay....."

11. The Supreme Court in the matter of **Pathpati Subba Reddy (Died) by LRs. And Ors Vs. Special Deputy Collector {2024 SCC OnLine SC 513}** had held 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;

(vi) 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.

12. Accordingly, I.A. No.1/2020, for condonation of delay in filing the appeal is rejected and subsequently, the second appeal is hereby dismissed on the ground of delay of 4936 days in filing the appeal. No order as to cost(s). **SD/-**

(Bibhu Datta Guru)
Judge