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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **O.M.P. 1413/2014**

V K NAYAR

.....Petitioner

Through: Mr. Mrityunjay Kumar
and Mr. Abhishek Kr.
Singh, Advocates for
P1(A) and P1(C).

versus

G P NAYAR & ANR

.....Respondents

Through: Mr. Gaurav Dhingra and
Mr. Shashank Singh,
Advocates for R1(b).
Mr. Vishal Verma,
Advocate for R1(c).

CORAM:

**JOINT REGISTRAR (JUDICIAL) SH. DEEPAK
DABAS (DHJS)**

ORDER

23.12.2025

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**IA No. 17436/2022 u/s 5 of Limitation Act for
condonation of delay in filing IA No. 17435/2022.**

1. Matter is today fixed for orders on captioned IA.
2. Arguments on captioned IA were heard.
3. Counsel for petitioner had argued that respondent no.1/Mr. G.P. Nayar had expired on 19.03.2021. The captioned IA has been filed on 21.09.2022. Due to pandemic of COVID-19 the period w.e.f. 15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation. Thus, the time/period available to petitioner for filing captioned IA started/commenced w.e.f. 01.03.2022 and it ended on 29.05.2022. Hence, there is a delay of 54 days only in filing the captioned IA. The said delay was caused as petitioner was himself not well and was suffering from various diseases. The



petitioner himself had expired on 30.06.2022. Learned counsel for petitioner has relied upon following judgments:

- (i) ***Ram Nath Sao and Ors versus Gobardhan Sao and Ors*** – AIR 2002 SC 1201
 - (ii) IN RE: COGNIZANCE FOR EXTENSION OF LIMITATION: SUO MOTO WRIT PETITION (C) NO. 3 OF 2020 ORDER DATED 10.01.2022.
4. On the other hand, Sh. M.C. Dhingra, learned Senior Advocate for respondent no.1(B) had strongly opposed the captioned IA on the ground that the captioned IA is without merits and the same is liable to be dismissed with heavy costs. Learned Senior Advocate further argued that there is a delay of 577 days in filing the captioned IA and no plausible reason has been given for condonation of such inordinate delay. The petitioner had appeared in various other proceedings pending between parties and therefore, the reason mentioned in captioned IA is absolutely incorrect.
 5. I have duly considered the rival submissions. I have perused the record carefully.
 6. It is not in dispute that respondent no.1/Mr. G.P. Nayar had expired on 19.03.2021. It is also a matter of record that the captioned IA has been filed on 21.09.2022. It is also a matter of record that the petitioner/Mr. V.K. Nayar had also expired on 30.06.2022.
 7. Hon'ble Supreme Court of India in *suo moto* writ petition no.3 of 2020 vide order dated 10.01.2022 had



- directed that in cases where the limitation period would have expired during the period between 15.03.2020 till 28.02.2022 then notwithstanding the actual balance period of limitation remaining, all the persons shall have a limitation period of 90 days from 01.03.2022.
8. In the present matter also, the limitation period for filing captioned IA had expired during the period w.e.f. 15.03.2020 till 28.02.2022. Thus, the time available to petitioner for filing the captioned IA is 90 days w.e.f. 01.03.2022. The said period of 90 days expired on 29.05.2022. Hence, there is a delay of about 54 days in filing captioned IA as captioned IA has been filed on 21.09.2022.
 9. Keeping in view the totality of facts and circumstances, medical condition of petitioner as well as the fact that the petitioner himself had expired on 30.06.2022, the delay in filing IA No. 17435/2022 is hereby condoned subject to cost of Rs. 5,000/- upon petitioner to be paid to respondent no.1/his LRs.
 10. Captioned IA is hereby allowed and disposed of accordingly.
 11. Re-notify on 02.02.2026 for arguments and disposal of remaining IAs.

**DEEPAK DABAS (DHJS),
JOINT REGISTRAR (JUDICIAL)**

DECEMBER 23, 2025/anj