

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE NO.: CMA.NO.279 OF 2025

PROCEEDINGS SHEET

Sl. No.	Date	ORDER	OFFICE NOTE
05.	25.03.2026	<u>MB,J & GPK,J</u> Mr. K. Vivek Reddy, learned Senior Counsel representing Mr.K.Pratik Reddy, learned counsel appearing for the appellants. Mr. Sarwath Mehdi Khan, learned counsel representing Mr.M.A.K. Mukheed, learned counsel appearing for the respondents. <u>I.A.No.2 of 2025</u> The appellants have filed the present Interlocutory Application for condonation of delay of 130 days in preferring the Appeal against the impugned order dated 06.12.2024 passed by the V Additional District Judge, Ranga Reddy District at L.B.Nagar in I.A.No.533 of 2024 in O.S.No.171 of 2019. Pursuant to Leave granted by the Court, the appellants have filed a Memo containing a Better Affidavit (Improved Affidavit) to explain the reasons for delay of 130 days in filing the present Appeal. We have heard learned Senior Counsel appearing for the appellants and learned counsel appearing for the respondents for and against the case sought to be made out in the application, respectively. Paragraph 4 of the Affidavit seeks condonation of delay on three grounds, namely, that the Trial Court record was voluminous as the case relates to the status of the suit schedule property from the year 1961. The appellants	

	further state that the Interlocutory Application (I.A.No.533 of 2024 in O.S.No.171 of 2019) filed by the respondents was contested for five years wherein extensive evidence was led by both the parties. The second reason stated is that the suit schedule property was involved with protected tenancy disputes which may be traced back to the orders passed by the Joint Collector and the appellants as well as their counsel took considerable amount of time in reviewing the said record. The third reason is that there was a change of counsel in the present Appeal and the entire record had to be obtained afresh which took further time. Although the Improved Affidavit could have provided 'Better' reasons with regard to 'sufficiency of cause' as required under Section 5 of The Limitation Act, 1963, we are of the view that the reasons stated therein merit favourable consideration. Our view is supported by the argument made by the Senior Counsel appearing for the appellants, who candidly submits that the delay was due to the voluminous records in the instant case. We are mindful of the consensus arrived at by the Supreme Court and High Courts in various cases with regard to taking a liberal approach for condoning the delay. It is well settled principle that ordinarily a litigant does not stand to benefit by lodging a belated Appeal. Refusing to condone a delay may result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. In contrast, condoning a delay only means the case	
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		will be decided on its merits after hearing both the sides. The doctrine that “everyday’s delay must be explained” should be applied in a rational, common sense, and pragmatic manner, rather than a rigid or pedantic approach. When substantial justice and technical considerations conflicts, the cause of substantial justice deserves preference. A party cannot claim a vested right in an injustice being done simply due to a delay which is not deliberate. The ultimate objective is to remove injustice: <i>Collector, Land Acquisition, Anantnag v. Katiji</i> ((1987) 2 SCC 107). We accordingly deem it fit to allow the present Interlocutory Application and condone the delay of 130 days in preferring the Appeal. However, in view of the inarticulate drafting of the Application, we deem it fit to allow the Application subject to the appellants paying costs of Rs.15,000/- (rupees fifteen thousand only) to the respondent Nos.1 to 5 within seven days from today. Accordingly, the IA is allowed. The parties shall be at liberty of mentioning the main Appeal for listing. _____ MB,J _____ GPK,J TJMR	
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