

IN THE HIGH COURT OF JHARKHAND AT RANCHI
F.A. No.07 of 2025

Parwati Sahoo

Versus

....

Appellant

Vishwajeet Sahoo

..... ..

Respondent

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant : Mr. Yash Raj Gupta, Advocate
For the Respondent : None

08/Dated: 28th November, 2025

1. Reference may be made to the order dated 20.11.2025 by which this Court has taken note that the notice has been received by the sole respondent personally.
2. However, this Court has adjourned the matter in order to give one more chance to the sole respondent-husband to put his appearance but even then, there is no appearance as would be evident from the office note dated 27.11.2025.
3. This Court, therefore, is of the view that the matter is to be proceeded for hearing on merit.
4. The instant appeal since has been filed after delay of 574 days for which interlocutory application being I.A. No. 12438 of 2024 has been filed, this Court, therefore, is proceeding to consider the said delay condonation application.

I.A. No. 12438 of 2024:

5. The present interlocutory application has been filed for condoning the delay of 574 days which has occurred in filing the instant appeal.
6. The explanation has been furnished in the present interlocutory application, claiming the same to be sufficient cause, as under paragraphs-4 & 5 which are being referred as under:

“4. That the appellant humbly submits that the delay occurred due to the bonafide mistake on behalf of the appellant and her family. There occurred financial crisis in the appellant's family, therefore, proper legal advice could not be ascertained within the stipulated time

which resulted in delay in filing of the present appeal. Further, the appellant and her family members are staying at Orissa, therefore, the appellant or her family was not aware of how to move forward with the case in hand.

5. That the appellant humbly states that the financial crisis of the family of the appellant can be clearly ascertained from the fact that the father of the appellant is completely handicapped and is also blind by both eyes. Further, one of the brothers of the appellant is also handicapped as he has lost one of his legs. Therefore, the complete duty of maintaining and managing the appellant and her family is on the younger brother who runs a small business. The medical expenses of the father and brother of the appellant along with the expenses to run the whole family, all is borne by younger brother of the appellant alone. Therefore, there is grave financial crisis in the family of the appellant which resulted in delay in filing of this present appeal.”

7. It is evident from the aforesaid that the ground has been taken that the father of the appellant is completely handicapped and is also blind by both eyes. Further, one of the brothers of the appellant is also handicapped as he has lost one of his legs.
8. It has been stated that the duty of maintaining and managing the appellant and her family is on the younger brother who runs a small business. The medical expenses of the father and brother of the appellant along with the expenses to run the whole family, all is borne by younger brother of the appellant alone, therefore, there is financial crisis in the family which resulted in delay in filing the instant appeal.
9. We are conscious of the fact that the limitation is to be condoned irrespective of the period of delay depending upon the sufficient cause if the litigant concerned is able to show. Reference in this regard be made to the judgment rendered by the Hon’ble Apex Court in the case of ***Basawaraj & Anr. Vrs. Spl. Land Acquisition Officer, [(2013) 14 SCC 81]***, wherein, it has been held by the Hon’ble Apex Court at paragraphs-9 to 15 which reads as under: -

“9. Sufficient cause is the cause for which the defendant could not be blamed for his absence. The meaning of the word “sufficient” is “adequate” or “enough”, inasmuch as may be necessary to answer the purpose intended. Therefore, the word “sufficient” embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the viewpoint of a reasonable standard of a cautious man. In this context, “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”. However, the facts

and circumstances of each case must afford sufficient ground to enable the court concerned to exercise discretion for the reason that whenever the court exercises discretion, it has to be exercised judiciously. 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 for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose. (See *Manindra Land and Building Corpn. Ltd. v. Bhutnath Banerjee* [AIR 1964 SC 1336] , *Mata Din v. A. Narayanan* [(1969) 2 SCC 770 : AIR 1970 SC 1953] , *Parimal v. Veena* [(2011) 3 SCC 545 : (2011) 2 SCC (Civ) 1 : AIR 2011 SC 1150] and *Maniben Devraj Shah v. Municipal Corpn. of Brihan Mumbai* [(2012) 5 SCC 157 : (2012) 3 SCC (Civ) 24 : AIR 2012 SC 1629] .

10. In *Arjun Singh v. Mohindra Kumar* [AIR 1964 SC 993] this Court explained the difference between a “good cause” and a “sufficient cause” and observed that every “sufficient cause” is a good cause and vice versa. However, if any difference exists it can only be that the requirement of good cause is complied with on a lesser degree of proof than that of “sufficient cause”.

11. The expression “sufficient cause” should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible. (Vide *Madanlal v. Shyamlal* [(2002) 1 SCC 535 : AIR 2002 SC 100] and *Ram Nath Sao v. Gobardhan Sao* [(2002) 3 SCC 195 : AIR 2002 SC 1201].

12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. “A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers 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.

13. The statute of limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale. According to *Halsbury's Laws of England*, Vol. 28, p. 266:

“605. Policy of the Limitation Acts.—The courts have expressed at least three differing reasons supporting the existence of statutes of limitations namely, (1) that long dormant claims have more of cruelty than justice in them, (2) that a defendant might have lost the evidence to disprove a stale claim, and (3) that persons with good causes of actions should pursue them with reasonable diligence.” An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence or laches. (See *Popat and Kotecha Property v. SBI Staff Assn.* [(2005) 7 SCC 510] , *Rajender Singh v. Santa Singh*

[(1973) 2 SCC 705 : AIR 1973 SC 2537] and Pundlik Jalam Patil v. Jalgaon Medium Project [(2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907].

14. In P. Ramachandra Rao v. State of Karnataka [(2002) 4 SCC 578 : 2002 SCC (Cri) 830 : AIR 2002 SC 1856] this Court held that judicially engrafting principles of limitation amounts to legislating and would fly in the face of law laid down by the Constitution Bench in Abdul Rehman Antulay v. R.S. Nayak [(1992) 1 SCC 225 : 1992 SCC (Cri) 93 : AIR 1992 SC 1701].

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.”

10. We have proceeded on the basis of the aforesaid premise and taking into consideration the reason assigned in the interlocutory application as referred hereinabove, this Court is of the view that the delay of 574 days in filing the present appeal is to be condoned.
11. Accordingly, the delay of 574 days occurred in filing the instant appeal is hereby, condoned.
12. In the result, the present interlocutory application stands allowed, as such, disposed of.

F.A. No. 07 of 2025:

13. Admit.
14. Call for the trial court records.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)

28th November, 2025

Saurabh/-