



2026:AHC-LKO:2112-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 19 of 2026

State Of U.P. Thru. Prin. Secy. Home Anubhag 2 Govt.
Lko. And Another

.....Appellant(s)

Versus

Parshuram

.....Respondent(s)

Counsel for Appellant(s)	:	C.S.C.
Counsel for Respondent(s)	:	Gyanendra Nath

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

(Order on C.M. Application No. 01 of 2026)

1. Heard learned counsels for the parties.

2. This Special Appeal has been filed by the appellants under Chapter VIII Rule 5 of the Allahabad High Court Rules, 1952 challenging the Judgment and order dated 14.08.2025 passed by the learned Single Judge in Writ-A No. 2051 of 2025 (Parashuram vs. State of U.P. and others). This appeal has been filed on 06.01.2026. It is delayed by 115 days as on 06.01.2026, as reported by the office. Limitation for filing such appeal is 30 days as prescribed under Chapter IX Rule 10 of the Allahabad High Court Rules, 1952 read with Article 117 of the Schedule appended to the Limitation Act, 1963. An application for condonation of delay in filing the appeal supported by an affidavit has also been filed.

3. We have gone through the affidavit filed in support of application for condonation of delay and do not find the explanation offered as satisfactory. The affidavit does not say anything except as to how permission was being sought from the higher officer then how the file moved from one desk to another or one office to

another. After receipt of the impugned judgment, legal opinion of the Chief Standing Counsel was sought vide letter dated 23.08.2025, which was rendered on 04.09.2025. Thereafter, a letter was written to the Special Secretary, Home (Police) Section-2, U.P. Government, Lucknow seeking permission for preferring an appeal. The date of letter has not been disclosed. The State Government then sought permission from the Law Department, here-again the date of seeking permission has not been disclosed nor any documents have been annexed. The Law department provided its permission on 18.11.2025. There is hardly any acceptable explanation for the intervening period of more than 03 months. In pursuance to the permission given by the Law Department as aforesaid, the State Government wrote a letter to the Additional Director General of Police, Lucknow Zone, Lucknow to proceed for filing an appeal on 20.11.2025. Thereafter, it is said that the Police Department wrote a letter to the Chief Standing Counsel for allotment of file and preparation of appeal. The concerned officer then contacted the Chief Standing Counsel, but the date of such contact is not mentioned. Date of the letter written by the Police Department to the Chief Standing Counsel is also not mentioned nor any documentary proof has been annexed. Ultimately on 27.11.2025 the paper book was allotted to the Standing Counsel and, thereafter, the 'pairokar', as asserted contacted him on 02.12.2025, 15.12.2025 and provided him all the documents then the Standing Counsel drafted the appeal and filed it. Now, the appeal, as already stated earlier was filed on 06.01.2026. As stated, there is no acceptable explanation for the period intervening 14.08.2025 to 18.11.2025.

4. As held by Hon'ble Supreme Court in the recent decision in the case of ***Shivamma (Dead) by LRS vs. Karnatka Housing Board***

and another reported in 2025 SCC OnLine 1969 decided on 12.09.2025, mere administrative procedures or movement of file from one office or desk to another, as has happened in this case, is not an acceptable explanation for such delay.

5. We have tested the explanation offered on the anvil of the recent decision of Hon'ble Supreme Court in the case of ***Shivamma (Dead) by LRS vs. Karnatka Housing Board and another reported in 2025 SCC OnLine 1969 decided on 12.09.2025***, wherein the principles enunciated in the decisions relied upon in paragraph 11 of the affidavit by the appellants have been considered and we do not find any reason to condone the delay in filing this appeal, which is inordinate. Hon'ble the Supreme Court has held in the case of ***Shivamma (Dead) (supra)*** that the expression "sufficient cause" is not itself a loose panacea for the ill of pressing negligent and stale claims. The expression is to be construed with justice-oriented flexibility so as not to punish innocent litigants for circumstances beyond their control. Courts must not condone gross negligence, deliberate inaction, or casual indifference, for to do so would undermine the maxim interest reipublicae ut sit finis litium and destabilize the certainty that limitation law seeks to secure. The expression 'sufficient cause' must be construed in a manner that advances substantial justice while preserving the discipline of limitation. The courts are not to be swayed by sympathy or technical rigidity, but rather by a judicious appraisal of whether the applicant acted with reasonable diligence in pursuing the remedy. Where explanation is bona fide, plausible, and consistent with ordinary human conduct, courts have leaned towards condonation. Where negligence, want of good faith, or a casual approach is discernible, condonation has been refused. The appellants have not acted with reasonable diligence

nor is the explanation offered by them plausible and consistent with ordinary human conduct. There is negligence, want of good faith and casual approach on their part for the reasons already noticed herein-above.

6. Hon'ble the Supreme Court has further observed that the courts must be mindful that strong case on merits is no ground for condonation of delay. When an application for condonation of delay is placed before the court, the inquiry is confined to whether "sufficient cause" has been demonstrated for not filing the appeal or proceeding within the prescribed period of limitation. The merits of the underlying case are wholly extraneous to this inquiry. If courts were to look into the merits of the matter at this stage, it would blur the boundaries between preliminary procedural questions and substantive adjudication, thereby conflating two distinct stages of judicial scrutiny. The purpose of Section 5 of the Limitation Act is not to determine whether the claim is legally or factually strong, but only whether the applicant had a reasonable justification for the delay. Test of "sufficient cause" cannot be substituted by an examination of the merits of the case. Condonation of delay is a matter of discretion based on explanation for the delay, not on the prospects of success in the case. If merits are considered, a litigant with a stronger case may be favoured with condonation despite negligence, while a weaker case may be rejected even if sufficient cause is made out. This would lead to an inequitable and inconsistent application of the law, undermining the uniform standard that the doctrine of limitation is designed to maintain. Yet another practical reason has been given by Hon'ble the Supreme Court as to why merits must not be considered at the stage of delay condonation that is it risks prejudicing the mind of the court against one party even before the

matter is substantively heard. By glancing into merits prematurely, the court may inadvertently form a view that colours the fairness of the subsequent adjudication. The judicial discipline required at this stage demands that only the cause for delay be scrutinized, and nothing more. Therefore, we cannot consider the merits of the matter at this stage.

7. Hon'ble the Supreme Court has also considered as to whether there was any room for largesse for State lethargy and leisure under Section 5 of the Limitation Act. After considering various earlier decisions on the subject, ultimately, it opined that prior to the decision of '**Postmaster General vs. Living Media India Ltd.**' reported in **(2012) 3 SCC 563**, the approach was characterized by judicial sympathy towards the State and its instrumentalities in matters of condonation of delay, owing to the peculiar nature of their functioning. At the same time, there also existed contrary views such as '**State of W.B. vs. Administrator, Howrah Municipality**' reported in **(1972) 1 SCC 366** and '**Lanka Venkateswarlu (D) by LRS vs. State of A.P. and ors.**' reported in **(2011) 4 SCC 363** which held that, irrespective of whether the litigant is a Government entity or a private individual, the provisions of limitation would apply uniformly, and any leeway shown by the courts would also remain the same. The law as it presently stands post the decision of **Postmaster General (supra)** as unambiguous and clear. Condonation of delay is to remain an exception, not the rule. Governmental litigants, no less than private parties, must demonstrate bonafide, sufficient, and cogent cause for delay. Absent such justification, delay cannot be condoned merely on the ground of the identity of the applicant. Hon'ble the Supreme Court has further observed that on a combined reading of '**State of Rajasthan & Anr. vs. Bal Kishan Mathur (Dead) through Legal**

Representative' reported in **(2014) 1 SCC 592** and ***'Sheo Raj Singh vs. Union of India'*** reported in **(2023) 10 SCC 531** it is equally manifest that the ratio of Postmaster General (*supra*) is, in essence, twofold. First, that State or any of its instrumentalities cannot be accorded preferential treatment in matters concerning condonation of delay under Section 5 of the Limitation Act. The State must be judged by the same standards as any private litigant. To do otherwise would compromise the sanctity of limitation. Secondly, that the habitual reliance of Government departments on bureaucratic red tape, procedural bottlenecks, or administrative inefficiencies as grounds for seeking condonation of delay cannot always, invariably accepted as a "sufficient cause" for the purpose of Section 5 of the Limitation Act. If such reasons were to be accepted as a matter of course, the very discipline sought to be introduced by the law of limitation would be diluted, resulting in endless uncertainty in litigation. We have perused other parts of the said judgment including para 214 and onwards.

8. In view of the aforesaid provisions of law propounded by the Hon'ble Supreme Court in the case of ***Shivamma (Dead) (supra)***, the explanation offered in the affidavit filed by the appellants explaining the delay is inadequate and insufficient.

9. Keeping in view of the aforesaid, we do not find any reason to condone such inordinate delay in filing the appeal. Accordingly, the application for condonation of delay is **rejected**.

10. Consequently, the appeal also stands **dismissed**.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

January 12, 2026/Praveen