



2026:AHK-LKO:20631

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW
FIRST APPEAL FROM ORDER DEFECTIVE No. - 11 of 2021**

State Of Uttarakhand Thru. D.M. Rudraprayag And Others

.....Appellant(s)

Versus

Ajeet Kumar Agnihotri And Others

.....Respondent(s)

Counsel for Appellant(s)	: Mukesh Singh, Anjana Singh, Dr.Krishna Singh
Counsel for Respondent(s)	: Manish Kumar Srivastava

Court No. - 20

HON'BLE PRASHANT KUMAR, J.

C.M. Delay Condonation Application No.8710 of 2021

1. This is an application for condonation of delay in filing the instant appeal.
2. This first appeal from order has been filed by the appellants-State against the judgment and order dated 14.10.2015 passed by the Motor Accident Claims Tribunal/Additional District & Sessions Judge, Court No.13, Lucknow in Claim Petition No.1300463 of 2005 whereby a compensation of Rs.3,99,000/- along with interest @ 7% per annum was awarded in favour of the claimants from the date of filing of claim petition.
3. The office has reported delay of 1835 days in filing the instant appeal.
4. The reasons given in the affidavit filed in support of delay condonation application for delay are as follows:

"2. The Petitioners above-named are filing the accompanying FIRST APPEAL FROM ORDER against the Final Impugned Judgment and Order dated 14.10.2015 passed by Shri Ramesh Kumar Yadav, Motor Accident Claims Tribunal/ Additional District & Sessions Judge, Court No. 13, Lucknow in claim Petition No. 1300463 of 2005.

3. That all the facts are stated in the First Appeal from the Order in detail and the same are not repeated here for the sake of brevity. The Petitioners crave leave and permission of this Hon'ble Court to refer and rely upon the contents of the accompanying First Appeal from the Order at the time of hearing of this Application also.

4. That there is a delay of 1835 days in filing the First Appeal from the Order due to unavailability of the documents and the process of arranging the documents for filing before the this Hon'ble Court was time consuming and hence the delay occurred

5. That this Hon'ble Court has held in several cases that the very

manner in which the bureaucratic process works, it is inadvertent that delay occurs. If the case deserves to be admitted on merits, the court should be lenient in granting condonation of delay. It has been held that once sufficient cause of delay in filing the Petition before the Hon'ble Court is shown by State, the Court would be inclined to grant condonation of such delay. The above said principles have been enunciated in the case of *State of U.P. Vs. Harish Chandra and others* (1996) (9) SCC 309. It has been further held that the power to condone the delay in approaching the Court has been conferred upon the courts to enable them to do substantial justice to the parties by disposing off matters on merits. It has thus been held in the case of *State of Bihar Vs. Kameshwar Prasad Singh* 2000 (9) SCC 94, that this Hon'ble Court generally adopts a liberal approach in condoning delay upon finding somewhat sufficient cause of delay in filing the petition has been explained.

6. That hence the delay in filing the present First Appeal from the Order is absolutely unintentional and bonafide which is prayed to be condoned by this Hon'ble court in the interest of justice.

7. That the Petitioner No.1 and 2 filed Written Statement/Objection on 03.07.2006 in the Claim Petition and prayed for rejection of the Claim Application through DGC Civil of State of U.P. posted in Lucknow and he was requested to communicate further developments in the matter but it appears from the record that he never communicated to the Department even the final order dated 14.10.2015 when award was passed by the Ld. Tribunal. It is respectfully submitted that the present counsel was neither counsel for State of Uttarakhand in 2006 nor in October 2015 when impugned award was passed by Ld. Tribunal. It is also pertinent to mention here that the State of Uttarakhand is hiring services of the present Counsel on need basis only without any retainerhip for High Court of Judicature at Allahabad and Lucknow Bench Lucknow from December, 2015 onwards.

8. That the Petitioner received a summon from the Ld. Tribunal in execution Case No. 798 of 2018 during pandemic for hearing on 21.03.2020.

9. That after receipt of aforesaid summon, the appellants inquired into matter and have come to the award dated 14.10.2015 which was passed in MAC Petition No. 1300463 of 2005 in favour of claimant-respondent no. 1, Ajeet Kumar Agnihotri.

10. That Hon'ble Supreme Court in the case of *In re: Cognizance for Extension of Limitation* was pleased to pass the following order:-

"This Court has taken *Suo Motu* cognizance of the situation arising out of the challenge faced by the country on account of Covid-19 Virus and resultant difficulties that may be faced by the litigants across the country in filing their petitions/applications/suits/appeals/all other proceedings within the period of limitation prescribed under the general law of limitation or under Special Laws (both Central and/or State).

To obviate such difficulties and to ensure that

lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings.

We are exercising this power under Article 142 read with Article 141 of the Constitution of India and declare that this order is a binding order within the meaning of Article 141 on all Courts/Tribunals and authorities.

This order may be brought to the notice of all High Courts for being communicated to all subordinate Courts/Tribunals within their respective jurisdiction.

Issue notice to all the Registrars General of the High Courts, returnable in four weeks."

11. That the aforesaid Suo Motu Writ Petition (Civil) No. 3/2020 IN RE: Cognizance for Extension of Limitation was again listed on 06.05.2020 when Hon'ble Supreme Court was pleased to pass the following order:-

"IA No.48411/2020 FOR DIRECTIONS

By way of filing this application for directions, the applicant has made the following prayer:

"To issue appropriate directions qua (i) arbitration proceedings in relation to section 29A of the Arbitration and Conciliation Act, 1996 and (11) initiation of proceedings under section 138 of the Negotiable Instruments Act, 1881;"

In view of this Court's earlier order dated 23.03.2020 passed in Suo Motu Writ Petition (Civil) No.3/2020 and taking into consideration the effect of the Corona Virus (COVID 19) and resultant difficulties being faced by the lawyers and litigants and with a view to obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunal across the country including this Court, it is hereby ordered that all periods of limitation prescribed under Arbitration and Conciliation Act, 1996 and under section 138 of the Negotiable Instruments Act 1881 shall be extended with effect from 15.03.2020 till further orders to be passed by this Court in the present proceedings.

In case the limitation has expired after 15.03.2020 then the period 15.03.2020 till the date on which the lockdown is lifted in the jurisdictional area where the dispute lies or where the cause of action arises shall be extended for a period of 15 days after the lifting of lockdown.

In view of the above, the instant interlocutory application is disposed of.

IA No.48375/2020- CLARIFICATION/ DIRECTION AND IA No.48511/2020-CLARIFICATION/DIRECTION AND IA No.48461/2020 CLARIFICATION/ DIRECTION AND IA No.48374/2020 -INTERVENTION APPLICATION AND IA No.48416/2020-INTERVENTION APPLICATION AND IA No.48408/2020 INTERVENTION APPLICATION

Issue notice.

Waive service on behalf of the respondent Union of India since Mr. K. K. Venugopal, learned Attorney General for India and Mr. Tushar Mehta, learned Solicitor General, appear on its behalf.

Let notice be issued to other respondents."

12. That the aforesaid Suo Motu Writ Petition (Civil) No.3/2020 IN RE: Cognizance for Extension of Limitation was again listed on 08.06.2020 when Hon'ble Supreme Court was pleased to pass the following order:-

"I.A. No.48511/2020 For Clarification of this Court's Order dated 23.03.2020

Mr. Dushyant Dave, learned Senior Counsel, has not joined the video conferencing today.

In view of letter dated 08.06.2020 sent through email by Mr. Dave, learned Senior Counsel, the instant interlocutory application for clarification is dismissed as withdrawn.

REST OF THE INTERLOCUTORY APPLICATIONS

Mr. K.K. Venugopal, learned Attorney General for India, prays for and is granted one week's time to file reply affidavit. As prayed for by Mr. Shyam Divan, learned Senior Counsel appearing for the applicant(s), reply-in-rejoinder be filed within one week's thereafter.

Put up on 06.07.2020."

13. That the appellant contacted their counsel stationed at Allahabad who had advised to file appeal against the impugned award and in pursuance thereof necessary departmental formalities were completed for filing of the first appeal from order before this Hon'ble Court.

14. That it is stated that due to pandemic Covid-19 there was countrywide lockdown and even after unlock declaration the functioning of the offices has not properly taken place even today and in these circumstances some delay has occurred in approaching this Hon'ble Court which are neither deliberate nor intentional. It is respectfully submitted that Appellants are proactive after knowing the impugned judgment in March, 2020.

15. That after getting necessary departmental formalities completed, the present counsel was contacted who advised to obtain certified copies of the record. After getting the certified copies, the counsel was again contacted but the counsel again required some more necessary papers/information relating to the case which was collected and handed over to the counsel in November for preparation of the first appeal from order.

16. That the present first appeal from order was got drafted on 24.11.2020 and after getting it prepared the same is being filed without any further delay.

17. That the delay in filing the instant First appeal from order is neither deliberate nor intention hence the delay if any in filing appeal is liable to be condoned by the Hon'ble Court in the substantial interest of justice. It is respectfully submitted that Appellants are situated far away from Lucknow in State of Uttarakhand and DGC Civil at Lucknow for State of U.P. had not provided either certified copy of the Impugned Order at any point of time or communicated decision of the Ld. Tribunal timely and as such the Appellant were/ are not aware of the Impugned award prior to March, 2020 and as such could not approach this Hon'ble Court by filing the First Appeal from the Order till date.

18. That under these facts and circumstances, it is just and expedient in the interest of justice that the Hon'ble Court may be pleased to condone the delay, if any, in filing the instant first appeal from order, otherwise, the appellants shall suffer irreparable loss and injury."

5. A bare perusal of the affidavit clearly shows that impugned order was passed on 14.10.2015 and no explanation has been given whatsoever for the delay. The first explanation is given of the Covid period which too was started in the year 2020. The appellants are silent for the delay of five years before that. No sufficient cause for the delay has been shown and only excuses seems to have been made by the State. The reason stated by the appellants is purely bureaucratic and they cannot get advantage of such a bureaucratic delay.

6. Learned counsel for the appellants further submits that the Hon'ble Supreme Court in the matter of **State of Haryana Versus. Chandra Mani and others** reported in [(1996) 3 SCC 132] has held that certain amount of latitude within reasonable limits permissible having regard to the impersonal bureaucratic set up involved in red tapism. The State should not be put on the same footing as an individual. Hence the delay which was so occasioned may be condoned.

7. Heard learned counsel for the parties and perused the record.

8. A bare perusal of the affidavit filed in support of the application for condonation of delay in filing appeal shows that an effort has been made by the appellants to justify the delay. Rather than furnishing a satisfactory explanation, it merely offers an excuse in the delay condonation application.

9. Before proceeding further, Section 5 of the Limitation Act is being reproduced hereinunder:-

"5. Extension of prescribed period in certain cases.—

Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—*The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section."*

10. A plain reading of the Section 5 of the Limitation Act clearly shows that an appeal may be admitted after the prescribed period, if the appellant satisfies the Court that he had sufficient cause for not preferring the appeal within such prescribed time. The burden to prove sufficient cause lies on the appellant, who is seeking condonation of delay and he has to prove sufficient cause that the reasons for not approaching the court are real, bonafide and free of negligence.

11. The Hon'ble Supreme Court in the matter of **Lanka Venkateswariu v State of A.P.** reported in **MANU/SC/0153/2011** deprecated the High Court in condoning the delay in filing of the appeal therein, that was occasioned not by any unavoidable circumstance, but by the sheer Inefficiency and ineptitude of the Government Pleaders concerned, merely because the party seeking condonation happened to be the State.

12. Further, the Hon'ble Supreme Court in the matter of **Postmaster General and others vs. Living Media India Limited and another** reported in **[(2012) 3 SCC 563]** has held that the State cannot claim that they have a separate period of limitation and in the absence of plausible and acceptable explanation, delay cannot be condoned in the mechanical manner just because the Government or its instrumentality is a party before the Court. The Hon'ble Supreme Court further went to hold that the department cannot take advantage of earlier decisions and claim on account of impersonal machinery and inherited bureaucratic methodology or making several notes cannot be accepted in view of the Modern Technologies being available. The law of limitation bounds everybody equally including the government.

13. A similar view was reiterated by the Hon'ble Supreme Court in **Government of Maharashtra (Water Resources Department) represented by Executive Engineer v. Borse Brothers Engineers and**

Contractors Pvt. Ltd reported in **(2021) 6 SCC 460** wherein the Hon'ble Supreme Court placing reliance on **Postmaster General** (supra) held that a different yardstick for condonation of delay cannot be laid down merely because the Government is involved.

14. The Hon'ble Supreme Court in the matter of **State of Odisha and ors. vs. Sunanda Mahakuda** reported in **(2021) 11 SCC 560** has held that the leeway which was earlier enjoyed by the State and its instrumentalities on account of bureaucratic inefficiencies in matters of condonation of delay is no longer available in view of the technological advancement and the shift in jurisprudence as elucidated in **Postmaster General** (supra).

15. Similarly, in **State of U.P. v. Sabha Narain**, reported in **(2022) 9 SCC 266**, the Hon'ble Supreme Court once again deprecated the tendency of State and its Instrumentalities to proceed on the assumption that they may approach the courts at their own convenience and sweet will, disregarding the period of limitation prescribed by statute, as though the Limitation statute does not apply to them. It held that the leeway which was at one point extended to the Government/public authorities on account of innate functional inefficiencies is no more the norm, particularly in the wake of the decision of **Postmaster General** (supra).

16. The Hon'ble Supreme Court in the matter of **Shivamma (Dead) by Lrs. versus Karnataka Housing Board and others**, **2025 SCC Online SC 1969** has held as follows:-

"210. What may be discerned from the aforesaid is that the jurisprudence on condonation of delay under Section 5 of the Limitation Act, particularly where the State or any of its instrumentality is involved, has witnessed a significant shift. From a regime that once accorded preferential indulgence to the State, premised on its bureaucratic complexities and institutional inertia, the law has now evolved to insist upon parity between the government and private litigants. The rationale is that public interest is better served not by excusing governmental inefficiency, but by fostering accountability, diligence, and responsibility in the conduct of public litigation.

* * *

230. To permit condonation of delay to become a matter of course for the Government would have the deleterious effect of institutionalising inefficiency. It would, in substance, incentivise indolence and foster a culture where accountability for delay is

eroded. If the State is assured that its lapses will invariably be excused under the rubric of "public interest," there would remain little incentive for its officers to act with vigilance or for its instrumentalities to streamline procedures for timely action. The consequence would not be the advancement of public interest but rather its betrayal.

232. It must, therefore, be underscored that the guiding principle is not the protection of governmental indifference but the promotion of responsible governance. The State is under a higher duty to act in time, for in every matter it litigates, it does so not in its private capacity, but as the trustee of the people's interest. Hence, repeated indulgence in condoning delays on grounds of bureaucratic inefficiency would amount to eroding the very object of limitation statutes, which are enacted in every civilised jurisdiction for the sake of finality, certainty, and public order.

249. Once the State chooses to litigate, it must shoulder the same responsibilities and abide by the same limitations that bind every litigant. To permit the State to evade the consequences of delay on the ostensible plea that the fault lay with individual officers would amount to diluting the rigour of limitation statutes and undermining their very object. Such an approach would not only privilege the State unjustly over private parties but would also perpetuate a culture of indifference and irresponsibility within the administration.

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261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of

limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law."

17. In view of the ratio laid down by the Hon'ble Supreme Court in the catena of judgments, it is clear that the State or its instrumentalities has to be treated at par with any individual, the law of limitation cannot be said to be different for them.

18. The appellants have tried to justify the delay but the reasons given in the affidavit seems more like an excuse than a "sufficient cause" which hold them back from filing the appeal within time.

19. Considering the aforesaid facts and circumstances, this Court finds that a bleak effort has been done to justify the delay; the delay as stated in the affidavit does not show sufficient cause and accordingly, the instant application for condonation of delay is **rejected**.

20. Consequently, the appeal is also **dismissed** on the ground of delay and laches.

21. It is open for the State to take action against the officers who are responsible for such delay.

March 19, 2026
Saurabh Yadav/-

(Prashant Kumar,J.)