



2026:AHC-LKO:21861-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 378 DEFECTIVE No. - 73 of 2025

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Applicant(s)

Versus

Ram Lakhan

.....Opposite
Party(s)

Counsel for Applicant(s)	:	G.A.
Counsel for Opposite Party(s)	:	Nijam Ahamad

Court No. - 10

**HON'BLE RAJNISH KUMAR, J.
HON'BLE MRS. BABITA RANI, J.**

**Order on C.M. Application No.1 of 2025 : Application for
condonation of delay**

1. Heard learned A.G.A. for the State/applicant and Sri Nijam Ahamad, learned counsel for the respondent.
2. This is an application for condonation of delay.
3. Office has reported delay of 188 days in filing of the appeal.
4. Learned A.G.A. submits that delay in filing the appeal is procedural and not intentional or deliberate. He further submits that the delay is on account of administrative procedure required to be followed for filing of the appeal. Thus, he prays for condonation of delay in filing of the appeal.
5. Learned counsel for the respondent vehemently opposed the submissions of learned A.G.A. He submits that there is no proper explanation for condonation of delay of 188 days in filing of the appeal what to say of sufficient explanation. He further submits that there is no explanation for the period from 17.12.2024 to 17.05.2025 i.e. for about five months. Thus, the submission is that the application is misconceived and the same is liable to be dismissed and, consequently, the leave to appeal is also liable to be dismissed.
6. Having considered the submissions of learned counsel for the parties, we have perused the affidavit filed in support of the application for condonation of delay alongwith application for leave to appeal, which has been filed against the judgment and order dated 27.08.2024.
7. Perusal of the affidavit indicates that for certified copy of the judgment

and order dated 27.08.2024, an application was given on 01.10.2024 and the same was prepared and provided on 14.10.2024 and on the same day, proposal was presented in the office of District Magistrate concerned. In pursuance thereof, the proposal was sent to the State Government on 26.11.2024 for filing the appeal, which, after acceptance, was received in the office of Government Advocate on 10.12.2024, in which the period of limitation was up to 27.11.2024. In pursuance thereof, the Additional Government Advocate wrote a letter to the District Magistrate concerned on 17.12.2024 for providing explanation for delay. In pursuance thereof, the Additional District Magistrate, Ambedkar Nagar directed the deponent i.e. the Naib Tehsildar, District Ambedkar Nagar for filing the affidavit in support of the application for condonation of delay. In pursuance thereof, he contacted in the office of the Government Advocate on 19.05.2025 and, thereafter, the appeal and the affidavit was prepared and the affidavit was sworn on 30.05.2025 and was filed in the Court.

8. In view of above, there is no explanation from 17.12.2024 up to 17.05.2025 i.e. for about period of five months. It also indicates that the person, who has filed the affidavit, has filed it without proper explanation and in a casual manner. He sworn the affidavit without any explanation for the said period.

9. The Hon'ble Supreme Court, in the case of **Maniben Devraj Shah Vs. Municipal Corporation of Brihan Mumbai; (2012) 5 SCC 157**, has held that what colour the expression "sufficient cause" would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation and if the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay. It has further been held that in cases involving the State, the Court can take note of the fact that sufficient time is taken in the decision making process but no premium can be given for total lethargy or utter negligence and the delay cannot be allowed as a matter of course. The relevant paragraph Nos.24 and 25 are extracted herein below:-

"24. What colour the expression "sufficient cause" would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the Court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay.

25. In cases involving the State and its agencies/instrumentalities, the Court can take note of the fact that sufficient time is taken in the decision making process but no premium can be given for total lethargy or utter

negligence on the part of the officers of the State and / or its agencies / instrumentalities and the applications filed by them for condonation of delay cannot be allowed as a matter of course by accepting the plea that dismissal of the matter on the ground of bar of limitation will cause injury to the public interest."

10. The Hon'ble Supreme Court, in the case of **Sheo Raj Singh (Deceased) Through Lrs & Ors. v. Union of India and Another; (2023) 10 SCC 531**, has held that courts must distinguish between an 'explanation' and an 'excuse'. An 'explanation' is designed to give someone all of the facts and lay out the cause for something and it helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. However, the care must be taken to distinguish an 'explanation' from an 'excuse' and an 'excuse' is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action.

11. In view of above, this Court is of the view that the State has failed to give any explanation for the period of about five months, what to say of sufficient explanation for condonation of delay. Thus, this Court is of the view that the application for condonation of delay is liable to be dismissed.

12. **Dismissed** accordingly.

13. Consequently, the leave to appeal and the appeal also stand **dismissed**.

(Mrs. Babita Rani,J.) (Rajnish Kumar,J.)

March 26, 2026

Saurabh