

SUFFICIENT CAUSE UNDER THE LIMITATION ACT, 1963: DOES EQUITY DEFY THE CLOCK?

"Vigilantibus non dormientibus jura subveniunt - the law assists those who are vigilant, not those who sleep over their rights."

Time and justice often do not go hand in hand. The Limitation Act, 1963 ("the Limitation Act") tries to balance both of them by setting certain time limits within which a person can pursue a legal remedy. If a person fails and/or neglects to initiate legal proceedings within the time limit stipulated under the Limitation Act for such cause of action, the right to initiate legal proceedings stands extinguished, or in common parlance, the claim becomes time barred. The object is to prevent disputes from dragging on endlessly and to protect defendants from time barred claims. At the same time, the law recognizes that strictly following these time limits may sometimes lead to unfair outcomes and injustice. To address such a situation, Section 5 of the Limitation Act allows courts to condone delay in the interest of justice if there is sufficient cause. The question that remains is how far can fairness be allowed to bend against the clock of limitation?

The Legislative Framework

The Limitation Act is rooted in public policy and is expressed in the maxim *interest reipublicae ut sit finis litium* which means that it is for the general welfare that there should be an end to litigation. The object of the Limitation Act is not to destroy rights but to ensure that parties do not resort to dilatory tactics and instead seek remedies within a fixed time. The principle is that

every legal remedy must remain alive only for a legislatively prescribed period.

Section 5 of the Limitation Act, 1963 embodies this balance. It provides that any appeal or application except those under Order XXI of the Code of Civil Procedure, 1908 ("CPC") may be admitted even after the expiry of the prescribed period, if the court is satisfied that the delay was due to sufficient cause. The explanation to the Section further clarifies that if a party was misled by an order, practice, or judgment of the High Court while computing limitation, that itself may constitute sufficient cause.

The Supreme Court's Shifting Lens

The expression sufficient cause under Section 5 of the Limitation Act, 1963 has been the subject of extensive judicial interpretation by the Supreme Court of India. Over time, the Supreme Court has emphasized a balance between a liberal, justice-oriented approach and the necessity of respecting finality in litigation.

To begin with, in *Collector (LA) v. Katiji*, (1987) 2 SCC 107, the High Court had refused to condone a delay of 4 days in filing an appeal by the Collector in a land acquisition matter. The Supreme Court reversed this, observing that the legislature had conferred power under Section 5 of the Limitation Act to enable courts to do substantial justice by deciding cases on their merits. It was stressed that sufficient cause is an elastic expression to be applied in a meaningful



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manner to subserve the ends of justice emphasizing that when substantial justice and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred. It was observed that the judiciary is respected not because it can legalise injustice on technical grounds but because it is capable of removing injustice.

Building on this liberal approach, in *G. Ramegowda v. LAO*, (1988) 2 SCC 142, the Supreme Court reiterated that there is no general principle saving a party from all mistakes of its counsel, and negligence or lack of bona fides could not be excused. However, it emphasized that sufficient cause must receive liberal construction so as to advance substantial justice especially in cases where no gross negligence or deliberate inaction was attributable. Importantly, while recognizing delays in governmental decision-making, it was observed that a "little play at the joints" may be permissible in assessing sufficient cause in cases involving the State.

Carrying this thread further, in *State of Haryana v. Chandra Mani*, (1996) 3 SCC 132, the Supreme Court observed that when the State is an applicant, delays caused by bureaucratic

methodology, file-pushing, and impersonal machinery are less difficult to understand, though more difficult to approve. Since the State represents the collective cause of the community, certain latitude was held permissible and sufficient cause had to be assessed pragmatically rather than pedantically.

In the same line, in *Tehsildar (LA) v. K.V. Ayisumma*, (1996) 10 SCC 634, the Supreme Court clarified that the State cannot be expected to provide a day-to-day explanation for delays. Recognizing the leisurely manner in which governmental business is transacted and files are processed, it held that a pragmatic approach, not a pedantic one, was necessary, lest public justice suffer due to procedural delays.

Continuing the pragmatic approach, in *State of Nagaland v. Lipok Ao*, (2005) 3 SCC 752, the Supreme Court condoned a 57 day delay by the State in applying for leave to appeal against acquittal. It was held that the sufficiency of the cause, not the length of the delay, is crucial. It was emphasized that a pragmatic approach must prevail, and that the State as an impersonal machinery should not always be equated with private individuals.

However, in *Balwant Singh v. Jagdish Singh*, (2010) 8 SCC 685, the Supreme Court refused to condone a 778 day delay in bringing on record the legal heirs of the petitioner under Order 22 Rule 9 CPC and warned against equating sufficient cause with a licence to condone inordinate and unexplained delays, holding that liberal interpretation must be confined to *bona fide* and reasonable explanations reflecting normal conduct of a

prudent person.

Along the same cautionary lines, in *Lanka Venkateswarlu v. State of A.P.*, (2011) 4 SCC 363, the Supreme Court disapproved of condoning an unjustifiable delay of 883 days in filing a petition and 3703 days in bringing legal representatives on record despite the High Court having found negligence on part of the Government Pleaders. It underscored that sufficient cause must be real not a mere formality.

In *Postmaster General v. Living Media India Ltd.*, (2012) 3 SCC 563, the Supreme Court refused to condone a 427 day delay, rejecting the plea that government departments operate through impersonal machinery. It held that limitation binds all, including the Government, and excuses like inherited bureaucratic methodology or file movement delays were unacceptable in the era of modern technology.

Taking the stricter stance further, in *Esha Bhattacharjee v. Raghunathpur Nafar Academy*, (2013) 12 SCC 649 the Supreme Court rejected condonation of a 2449 day delay, stressing that lack of bona fides and lack of knowledge cannot constitute sufficient cause.

Yet, in *State of Manipur v. Koting Lamkang*, (2019) 10 SCC 408, the Supreme Court condoned a 312 day delay by the State in filing its first appeal, acknowledging the impersonal nature of government functioning and its impact on public interest. However, costs of Rs. 50,000, were imposed reflecting a balance between leniency and accountability.

In contrast, in *University of Delhi v. Union of India*, (2020) 13 SCC 745, the Supreme

Court declined to condone a 916 day delay by the University of Delhi, distinguishing *Katiji (supra)* on facts. It was held that condonation cannot be granted merely because the appellant is a public body. The Court noted the University's conduct of delay and laches not only in the appeal but also in the original writ petition and observed that condonation at that stage would prejudice public interest, especially since development had already taken place on the land in question.

Further refining the test, in *Sheo Raj Singh v. Union of India*, (2023) 10 SCC 531 the Supreme Court reiterated that condonation of delay under Section 5 of the Limitation Act is a discretionary power, to be exercised based on the sufficiency and acceptability of the explanation rather than the length of delay. The Court clarified the distinction between an explanation, which sets out facts to justify a delay, and an excuse, which merely seeks to deny responsibility. Each case must be decided on its own facts, and courts must balance technical considerations with the need to protect substantive rights, ensuring meritorious claims are not defeated at the threshold.

Reaffirming the principle, in *Pathapati Subba Reddy v. Special Deputy Collector (LA)*, 2024 SCC OnLine SC 513, the Supreme Court clarified the contours of condonation of delay under Section 5 of the Limitation Act. It was observed that the law of limitation is founded on public policy to ensure finality in litigation, forfeiting the right to remedy rather than the right itself, and that remedies not exercised within the prescribed period must cease to exist. Courts may exercise discretion to

condone delay if sufficient cause is shown, but such discretion is not automatic and may be denied in cases of inordinate delay, negligence, or lack of diligence. It was emphasized that obtaining relief in similar matters does not entitle others to the same benefit unless the cause for delay is satisfactory, and that the merits of the case need not influence the decision on condonation. Applications for delay condonation must therefore be decided based on statutory parameters, and granting relief simply because conditions have been imposed would amount to disregarding the Limitation Act.

In *Mool Chandra v. Union of India*, (2025) 1 SCC 625, the Supreme Court clarified that in condoning delay under Section 5 of the Limitation Act, the length of delay is not the decisive factor. What matters is whether the cause for delay falls within the ambit of sufficient cause. It was emphasized that no litigant benefits from approaching courts belatedly, and the sufficiency of the cause must be carefully examined.

On the other hand, in *H. Guruswamy and Others v. A. Krishnaiah*, 2025 SCC OnLine SC 54, the Supreme Court set aside an order condoning a delay of six years (approximately 2200 days) in filing a recall application. It was held that inordinate delay arising from the party's own inaction cannot automatically justify condonation. The Court stressed that the bona fides of the explanation must be the first consideration, and courts should not begin with the merits of the main matter. Only if the explanation by the litigant and opposition of the other party is

equally balanced can the merits be considered in exercising discretion for condonation.

Again, in *Thirunagalingam v. Lingeswaran and Another*, 2025 SCC OnLine SC 1093, the Supreme Court reiterated that the primary duty of the court when considering condonation of delay is to ascertain the genuineness of the explanation offered by the party seeking relief. Delay should not be condoned merely as an act of generosity, and the pursuit of substantial justice must not prejudice the opposing party. Only when the cause for delay and the objections of the opposing side are balanced can the merits of the case be considered for condonation, reinforcing the principle that discretion under Section 5 of the Limitation Act is guided by fairness and bona fide explanations rather than technicality alone.

Elastic Not Endless

From the above judicial interpretations, it emerges that sufficient cause must be genuine and bona fide, serving substantial justice without excusing gross negligence, mala fide actions or inordinate delay. The length of delay is not decisive, both short and long delays may be condoned or rejected depending on the explanation. Courts generally focus on the sufficiency of the cause rather than the merits of the main case considering the latter only when the explanation is genuine and opposition is balanced. Some relaxation may be granted for public bodies, but equity cannot override public interest. Delay can only be condoned in cases that are *bona fide* with reasonable causes and plausible explanations.

Conclusion

Therefore, the Limitation Act ensures that disputes are decided on time, protecting defendants from time-barred claims. However, Section 5 of the Limitation Act allows courts to condone delays if there is a sufficient cause. Judicial pronouncements clearly enunciate that the power to condone delays is discretionary and must be exercised to balance fairness, public interest and finality. The Supreme Court has repeatedly explained that sufficient cause is not a formality but it requires a genuine, bona fide, reasonable and plausible reason for the delay to be condoned. Courts must first evaluate the bona fides of the party seeking condonation of the delay. The length of the delay is not decisive, both short and long delays may be condoned or rejected depending on the explanation provided. However, very long delays due to negligence or lack of diligence cannot be excused. The merits of the case generally should not affect the decision to condone delay, unless the explanation offered by the litigant and the objections raised by the opposing party are equally balanced. Thus, Section 5 of the Limitation Act aims to serve justice without undermining the certainty or finality provided by the limitation periods. Courts should be practical, especially when dealing with government bodies while at the same time, prevent any misuse of the law. Equity can allow some flexibility with time but cannot completely ignore it as the law of limitation protects those who act promptly, safeguards rights and public interest.