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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.14487 OF 2023
IN
FIRST APPEAL NO.1032 OF 2023
WITH
FIRST APPEAL NO.1032 OF 2023**

Maharashtra Krishna Valley
Development Corporation
Through Its Executive Engineer ... Appellant
V/s.
Laxman Nivrutti Kangude & Ors. ... Respondents

Mr. Nitin Gaware Patil with Mr. Shivkumar Gangwad
and Ms. Rupsee Nerlikar for the Applicant.

Ms. Amrita Kharkar with Ms. Sayalee Bhosale, & Ms.
Hrucha Joshi i/b P. H. Potnis, for Respondent No.1.

Mr. A. R. Patil, Addl. GP, for the State – Respondent
Nos.2 and 3.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 22, 2026

P.C.:

1. Interim Application No.14487 of 2023 is not board. By consent, taken on board.
2. The delay in filing the appeal is very long of about 1850 days. Such delay is not of few weeks or few months. It is of several years. When appeal is brought before the Court after such long time, the applicant is required to place before the Court a full, clear, and convincing explanation covering the entire period of

delay. The Court cannot ignore such huge delay only because the applicant is a public authority. Law of limitation applies equally to every litigant. Therefore, the explanation given in support of the application is required to be examined with greater care so that the Court can find out whether there was really sufficient cause which prevented the applicants from approaching the Court within the prescribed period.

3. On careful reading of the reasons stated in paragraph 10 of the application, it appears that the impugned judgment and award was passed on 7 April 2018. However, the explanation furnished by the applicants starts only from 20 March 2020. Thus, there is complete silence regarding the period from 7 April 2018 till 20 March 2020. This period itself runs for almost two years. The applications do not disclose what steps were taken during this period, which officer was dealing with the matter, when the proposal for filing the appeals was initiated, or what circumstance prevented the applicants from approaching the Court within limitation. The Court cannot fill up these missing facts by making assumptions. Every day's delay need not be explained in mathematical detail, but the entire period must at least be reasonably accounted for. In the present case, there is no explanation at all for this substantial part of the delay.

4. Even if the period covered by the COVID 19 pandemic is excluded in view of the orders passed by the Hon'ble Supreme Court extending limitation, the position does not improve for the applicants. The explanation thereafter merely shows that the files were moving from one office to another and that approvals were

being obtained from different departments. Such routine administrative movement of papers cannot by itself constitute sufficient cause under Section 5 of the Limitation Act, 1963. If such explanation is accepted in every case, then the law of limitation would lose its purpose because every Government department can simply rely upon internal correspondence and movement of files to justify any length of delay. The law does not recognise ordinary bureaucratic procedure as a ground to condone an extraordinary delay unless the applicants show exceptional circumstances beyond their control.

5. The Supreme Court in *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy*, (2013) 12 SCC 649 has observed that delay cannot be condoned in a routine or mechanical manner and that vague explanations based upon administrative procedure are not sufficient. The Supreme Court has cautioned that while a liberal approach may be adopted in appropriate cases, such liberality cannot extend to condoning gross negligence, inaction or lack of bona fides. The Court is required to balance justice to both parties. If one party has obtained a judgment and allowed it to attain finality because no appeal was filed within limitation, such party also acquires a valuable right which cannot be lightly disturbed after several years unless a satisfactory explanation is placed before the Court.

6. Ultimately, the appeals came to be filed only on 27 July 2023. Thus, the delay exceeds five year. Except referring to the process of obtaining approvals and movement of files between different departments, the applications do not disclose any

concrete event, unavoidable circumstance or legal impediment which prevented the applicants from filing the appeals within the prescribed time. The explanation remains general in nature and does not inspire confidence. It fails to show that the delay was beyond the control of the applicants or that they acted with reasonable diligence throughout the relevant period. In these circumstances, this Court is unable to record a finding that the applicants have established "sufficient cause" within the meaning of Section 5 of the Limitation Act, 1963. Consequently, the enormous delay in filing the appeals cannot be condoned.

7. The interim application, therefore, deserve to be rejected and is accordingly rejected.

8. Accordingly, the first appeal stands dismissed.

(AMIT BORKAR, J.)