

Condonation of Delay

Condonation of Delay under Section 5 of the Indian Limitation Act, 1963, is a legal concept that allows courts to accept certain delayed applications or appeals beyond the prescribed time limit if sufficient cause is shown for the delay. This provision is crucial in ensuring justice is served even when procedural timelines are missed for valid reasons.

Understanding Section 5 of the Limitation Act, 1963

The Limitation Act, 1963, sets specific time limits for various legal actions, from filing lawsuits to appealing court decisions. These limits are intended to ensure the swift and efficient administration of justice, preventing the prolonged uncertainty that can arise from the possibility of old claims being revived long after the event. However, the law recognizes that in certain circumstances, it might be unfair or unjust to penalise a party for delays if they had valid reasons.

time prescribed if the appellant or applicant satisfies the court that they had sufficient cause for not preferring the appeal or making the application within such period.

"Sufficient Cause"

The interpretation of what constitutes "sufficient cause" depends significantly on the facts and circumstances of each case. The courts have held that "sufficient cause" should be construed liberally so as to advance substantial justice. This means the reasons for delay need not fall within a narrowly defined criterion; instead, they are assessed on a case-by-case basis, considering the reasonableness of the cause and the diligence of the petitioner.

Numerous judicial precedents set guidelines on how courts might interpret "sufficient cause" under Section 5. For instance, the Supreme Court of India has reiterated in multiple cases that courts must adopt a

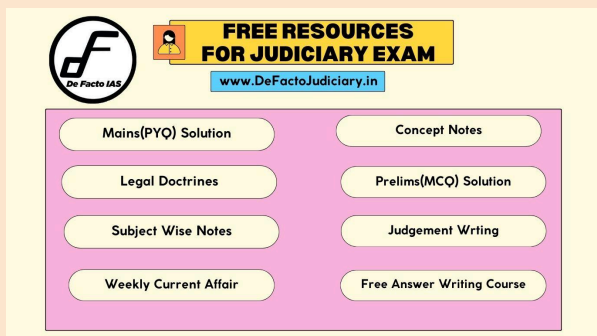
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Section 5 of the Act specifically deals with the extension of prescribed periods in certain cases. It states that any appeal or application for which a prescribed period is fixed under the Limitation Act may be admitted after the

pragmatic and not a pedantic approach. In the landmark case of Collector, Land Acquisition vs. Mst. Katiji & Others, the Supreme Court laid down important considerations for condoning delays,

emphasising that a litigant should not suffer due to the court's inaction or the legal counsel's mistake.



Pathapati Subba Reddy (Died) By LRs and Ors vs. Special Deputy Collector (LA)

The Supreme Court's observations in this case are pivotal for understanding the application of Section 5. It outlines that while Section 3, mandating strict adherence to timelines, must be strictly construed, Section 5 allows for a liberal interpretation. This duality ensures that while the law discourages undue delays, it also prevents miscarriages of justice where delays are reasonable and justifiable.

The court also noted that the discretion to condone delays, though liberal, is not arbitrary and should be exercised judiciously. Sufficient cause for delay does not guarantee condonation, especially if there is inordinate delay, negligence, or lack of due diligence by the party seeking relief. Additionally, the merits of the original case are not a consideration in deciding whether to condone a delay, focusing solely on the reasons for the delay itself.

Application in Different Courts

The application of Section 5 isn't limited to a particular type of court or tribunal but spans across the judiciary, including high courts and the Supreme Court, in matters of civil or criminal appellate jurisdiction. This wide applicability underlines the section's significance in ensuring justice across the legal system.