

### **Section -5 Limitation Act**

According to Section 5 of the Limitation Act, 1963, any appeal or application may be accepted even after the limitation period for the same is over, if the appellant/applicant assures the court that he had a sufficient cause for not being able to file the appeal/application during the limitation period. If the court is satisfied, such delay in filing the appeal/application can be condoned irrespective of the party being a state or a private party.

The term sufficient cause has nowhere been defined in the act; however, it seems that the courts have construed it quite liberally in order to meet the ends of justice, so much so that meritorious matters are not disregarded solely on the basis of a slight delay (*Collector, Land Acquisition, Anantnag v. Mst. Katiji*[2]). It should also be kept in mind that the law of limitation in itself was founded on the principles on public policy in order to ensure that the parties approach the court for vindication of their rights without causing unreasonable delay.

The term seems to have a wide and comprehensive import. Whether or not the furnished reason would constitute a sufficient cause will depend on facts of each case. There is no prescribed formula which can be applied for accepting or rejecting the explanation provided for proving the delay. In a case where a party has been negligent, the approach cannot be the same and liberal interpretation of the term will be discouraged. In normal circumstances, acceptance of the reason furnished should be the rule and refusal an exception, more so when no negligence can be attributed to the defaulting party (*State of West Bengal v. Administrator, Howrah Municipality*[3]).

On the other hand, while considering the matter the courts should not disregard the fact that by not taking steps within the stipulated time, a valuable right has accrued to the other party which should not be undermined by condoning delay in a routine like manner.

However, by taking an over scrupulous approach to the matter, the explanation furnished should not be dismissed especially when stakes are high, causing considerable harm and irreparable damage to the party against whom the suit terminates and defeating valuable right of such a party to have the decisions on merits. Ideally, the courts should strike a balance between the subsequent impact of the order it was going to pass upon the parties either way. This approach was taken by the court in the case *Ram Nath Sao v. Gobardhan Sao*[4].

In the case *State (NCT of Delhi) v. Ahmed Jaan*[5], the court further clarified that the term 'sufficient cause has to be considered with pragmatism in a justice oriented approach rather than looking at the detection of a reasonable cause for justifying every day's delay.

In another case *N. Balakrishnan v. M. Krishnamurthy*[7], the court elaborated on the point that in the cases of condonation of delay, the acceptability of the explanation is the sole criterion; the duration of delay does not matter. There have been cases where a slight delay in filing the application has not been condoned due to unacceptable reasons; whereas on the other hand, the court has neglected years of delay as the reason provided was satisfactory. This was reiterated by the court in *State of Nagaland v. Lipok AO*[8].

Hence, it can be concluded that the remedy provided under the Limitations Act to condone the delay where a sufficient cause has been provided for the same should be construed liberally in order to meet the ends of justice.