[2025] 3 S.C.R. 915 : 2025 INSC 382

# Inder Singh
**v.**
# The State of Madhya Pradesh

(Civil Appeal No. 4304 of 2025)

21 March 2025

**[Sudhanshu Dhulia and Ahsanuddin Amanullah,* JJ.]**

## Issue for Consideration

Whether the High Court was justified in condoning the delay in filing the Second Appeal.

## Headnotes†

**Limitation Act, 1963 – Condonation of delay – When justified – Dispute over title of a land between the appellant and the Respondent-State wherein the State claimed the land to be government land in its possession – Delay of 1537 days on part of the State in filing the Second Appeal was condoned by High Court – Challenge to:**

**Held:** Impugned order upheld – Though delay cannot be condoned without sufficient cause, however, if in a particular case, the merits have to be examined, it should not be scuttled merely on the basis of limitation – In the present case, the dispute over title of the land is not between private parties, but rather between the private party and the State – On facts, matter requires adjudication on its own merits – Thus, in the peculiar facts and circumstances of the case, wherein the State claimed the land as government land in its possession, impugned order not interfered with and the Second Appeal is to be decided on merits – However, the delay is condoned subject to costs of Rs.50,000/- to be paid by the respondent to the appellant, failing which the Second Appeal to be treated as dismissed. [Paras 14, 15, 18, 19]

**Limitation Act, 1963 – Constitution of India – Article 12 – Matter related to dispute over title of a land claimed by the State as government land in its possession – Delay of 1537 days on part of the State in filing the Second Appeal, condoned – State cautioned:**

**Held:** State to be cautious and exhibit promptitude in such matters, failing which the Court may not be as liberal, costs imposed –

* Author

State cannot be given any undue indulgence as compared to an ordinary litigant, especially in matters of limitation – All parties, either State or not are required to act with due diligence and promptitude. [Paras 13, 18]

**Case Law Cited**

*Sheo Raj Singh v. Union of India* **[2023] 13 SCR 743 : (2023) 10 SCC 531;** *Ramchandra Shankar Deodhar v. State of Maharashtra* **[1974] 2 SCR 216 : (1974) 1 SCC 317;** *A B Govardhan v. P Ragothaman* **[2024] 8 SCR 1002 : (2024) 10 SCC 613 – relied on.**

*State of Uttar Pradesh v. Satish Chand Shivhare And Brothers,* **2022 SCC OnLine SC 2151;** *State of Manipur v. Kotin Lamkang* **[2019] 13 SCR 565 : (2019) 10 SCC 408;** *Pathapati Subba Reddy v. Special Deputy Collector* **[2024] 4 SCR 241 : 2024 SCC OnLine SC 513;** *State of Bihar v. Kameshwar Prasad Singh* **[2000] 3 SCR 764 : (2000) 9 SCC 94;** *State of West Bengal v. Administrator, Howrah Municipality* **[1972] 2 SCR 874 : (1972) 1 SCC 366 – referred to.**

**List of Acts**

Limitation Act, 1963, Constitution of India.

**List of Keywords**

Condonation of delay; Second Appeal; Sufficient cause; Possession of land; Government land; Suit property; Undue indulgence; Due diligence; Promptitude; Limitation; Delay of 1537 days; Dispute over title of the land; Private parties; Legal remedies; Liberal approach; Second Appeal to be decided on merits; State under Article 12 of the Constitution of India; Ordinary litigant; Costs.

**Case Arising From**

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 4304 of 2025

From the Judgment and Order dated 29.01.2024 of the High Court of Madhya Pradesh at Gwalior in IA No. 2022 of 2020

**Appearances for Parties**

*Adv. for the Appellant:*
Arjun Garg.

*Advs. for the Respondent:*
Amit Sharma, A.A.G., Sarad Kumar Singhania, Kshitiz Singh.

**Judgment / Order of the Supreme Court**

**Judgement**

**Ahsanuddin Amanullah, J.**

Leave granted.

2. This appeal is directed against the Order dated 29.01.2024 (hereinafter referred to as the 'Impugned Order') passed by a learned Single Bench of the High Court of Madhya Pradesh, Gwalior Bench (hereinafter referred to as the 'High Court') in I.A. No.2022/2020 in Second Appeal No.1253 of 2020 filed by the respondent, whereby the said I.A. under Section 5[1] of the Limitation Act, 1963, seeking condonation of delay in filing the Second Appeal, has been allowed with a direction for listing the Second Appeal to be heard on admission as well as the accompanying stay application.

**FACTS:**

3. On 14.12.2012, the appellant filed Civil Suit No.17-A/2013 (hereinafter referred to as the 'suit') before the learned Second Additional District Judge, Class-1, Ashoknagar, Madhya Pradesh(hereinafter referred to as the 'Trial Court')for declaration of title, possession and permanent injunction in respect of Land Survey No.8/1 having an area of 1.060 hectare (hereinafter referred to as the 'suit property') situated in Village Mohrirai, Tehsil and District Ashoknagar, contending that an order dated 30.08.1977 was passed in his favour, wherein he was allotted the suit property. Thereafter, by mistake, in place of the appellant's name i.e., Inder Singh, Ishwar Singh's name was wrongly recorded in the revenue records. Such mistake was rectified on an application filed by the appellant before the Additional Collector, Gwalior by order dated 24.08.1978. Pursuant thereto, the appellant obtained a loan from a bank for digging a well in the suit property. It is further averred in the suit that the respondent had declared the

1 '***5. Extension of prescribed period in certain cases.***—*Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period. Explanation.—The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.*'

land in question to be '*Government Land*', without any prior notice to the appellant.

4. The respondent-State countered the pleadings of the appellant before the Trial Court. The State contended that the entire area admeasuring 5.696 hectares of Land Survey No.1 was government land from the very beginning and the aforesaid land has been recorded as graze land, out of which, by order dated 14.09.2006 in Case No.15A6A/05-06 of the Tehsildar Ashoknagar, an area of 2.090 hectares land was reserved for the Youth Welfare Department[2] and the remaining area of 3.606 hectares land for the Collectorate. It was denied that the appellant was ever in possession of the land.

5. The Trial Court dismissed the suit on 16.08.2013, following which the appellant filed Civil Appeal No.32A of 2015 before the Second Additional District Judge, Ashoknagar (hereinafter referred to as the 'First Appellate Court'), which was allowed by order dated 01.10.2015, overruling the Trial Court's judgment dated 16.08.2013. The First Appellate Court declared the appellant as the landlord of the suit property.

6. The respondent filed a Review Petition *viz.* Case No.92 of 2018 before the First Appellate Court, which was dismissed on the ground of delay on 30.09.2019, as the delay in filing the Review Petition was not explained with any sufficient cause from the respondent's side. Aggrieved by the said order, the respondent, in August, 2020, filed the Second Appeal bearing No.1253 of 2020 along with I.A. No.2022/2020, seeking condonation of delay in filing the Second Appeal, in the High Court. The High Court by Impugned Order condoned the delay and ordered for listing the Second Appeal for hearing on admission as well as application for stay.

**SUBMISSIONS BY THE APPELLANT:**

7. Learned counsel for the appellant submitted that the High Court had failed to deal with how '*sufficient cause*' had been shown by the respondent for condoning the delay, moreso when the respondent's Review Petition before the First Appellate Court was also dismissed on the ground of delay as they did not provide any justification for filing the review after a delay of over two years. He contended that it

2 Now known as the Sports and Youth Welfare Department, Government of Madhya Pradesh.

is settled law that '*sufficient cause*' means that the party should not have acted in a negligent manner or failed to exercise due diligence. Therefore, the appellant's argument that the cause of delay was due to COVID-19 cannot be accepted, as the respondent failed to remain vigilant, since the cause of action arose much before the pandemic hit.

8. With regard to the Impugned Order referring to the judgment in ***Sheo Raj Singh v Union of India,* (2023) 10 SCC 531**,where it has been observed that Courts must take a liberal approach regarding delays in appeals filed by the State, the learned counsel for the appellant drew the Court's attention to Paragraphs no.17 and 22 of ***State of Uttar Pradesh v Satish Chand Shivhare And Brothers,* 2022 SCC OnLine SC 2151,** wherein it was held:

> *'**17.** The explanation as given in the affidavit in support of the application for condonation of delay filed by the Petitioners in the High Court does not make out sufficient cause for condonation of the inordinate delay of 337 days in filing the appeal under Section 37 of the Arbitration and Conciliation Act. The law of limitation binds everybody including the Government. The usual explanation of red tapism, pushing of files and the rigmarole of procedures cannot be accepted as sufficient cause. The Government Departments are under an obligation to exercise due diligence to ensure that their right to initiate legal proceedings is not extinguished by operation of the law of limitation. A different yardstick for condonation of delay cannot be laid down because the government is involved.*
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> *xxx*
>
> ***22.** When consideration of an appeal on merits is pitted against the rejection of a meritorious claim on the technical ground of the bar of limitation, the Courts lean towards consideration on merits by adopting a liberal approach towards 'sufficient cause' to condone the delay. The Court considering an application under Section 5 of the Limitation Act may also look into the prima facie merits of an appeal. However, in this case, the Petitioners failed to make out a strong prima facie case for appeal. Furthermore, a liberal approach, may adopted when some plausible cause for delay is shown. Liberal approach does*

> *not mean that an appeal should be allowed even if the cause for delay shown is glimsy. The Court should not waive limitation for all practical purposes by condoning inordinate delay caused by a tardy lackadaisical negligent manner of functioning.*'

9. Learned counsel for the appellant further relied on the judgment in ***Pathapati Subba Reddy v Special Deputy Collector*, 2024 SCC OnLine SC 513,** wherein Paragraph no.26(v) states: *'Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence.'* Hence, it was contended that this Court should not waive limitation, for all practical purposes, by condoning delay caused by the lackadaisical negligent manner of functioning of the respondent. It was urged that the appeal ought to be allowed and the Impugned Order be set aside.

**SUBMISSIONS BY THE RESPONDENT-STATE:**

10. Learned counsel for the respondent submitted that out of the delay of 1537 days in filing the Second Appeal, around three years was consumed in filing the Review Petition before the First Appellate Court and after its eventual dismissal on 30.09.2019, by the time the filing process could begin for the Second Appeal, the COVID-19 pandemic arose and it could only get filed in August, 2020. Therefore, the delay caused in filing the Second Appeal was unintentional, much less due to any deliberate laches, and was well-explained by the State before the High Court. It was contended that hence, rightly the delay caused in filing of the Second Appeal was condoned. The respondent further submitted that since the suit property was important and valuable government land, this Court should sustain the Impugned Order as it would entail substantial justice being done to both parties by leading to the eventual disposal of the matter on merits. Reliance was placed on the case of ***State of Bihar v Kameshwar Prasad Singh,* (2000) 9 SCC 94**.

11. It was further submitted by the learned counsel for the respondent that the interpretation of the words '*sufficient cause*' should be such that it is construed liberally. By referring to the decision in ***State of***

***West Bengal v Administrator, Howrah Municipality*, (1972) 1 SCC 366,** the respondent contended that a liberal interpretation should specially be taken in the present case as the State has not been negligent in pursuing the remedies available to it under law. Moreoever, the submission was that COVID-19 not being an extraneous circumstance, the State should not be punished for the delay in filing the Second Appeal.

12. With regard to the facts of the case, the respondent points out that the Trial Court had initially dismissed the suit, *inter alia*, on the grounds that he did not place any documentary evidence reflecting his title and there were also instances of fraud played by the appellant as he had exchanged certain vital documents. It was urged that this was the reason why it was all the more important for the underlying matter to be heard on merits by the High Court. It was canvassed that the appeal should be dismissed and the Impugned Order be upheld.

**ANALYSIS, REASONING & CONCLUSION:**

13. In the present case, the contentions of the appellant, on first blush appears to be attractive, inasmuch as the State cannot be given any undue indulgence as compared to an ordinary litigant, especially in matters of limitation. There is no doubt that all parties, whether or not State under Article 12[3] of the Constitution, are required to act with due diligence and promptitude.

14. There can be no quarrel on the settled principle of law that delay cannot be condoned without sufficient cause, but a major aspect which has to be kept in mind is that, if in a particular case, the merits have to be examined, it should not be scuttled merely on the basis of limitation.

15. In the present case, the filing of the Review Petition before the First Appellate Court was with a delay of two years and four months and the Second Appeal before the High Court was delayed by about a year from the date of the dismissal of the Review Petition i.e., 30.09.2019. Pausing for a moment, it is necessary to indicate that in the present case, the dispute over title of a land is not between

3 '***12. Definition.***—*In this part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.*'

private parties, but rather between the private party and the State. Moreover, when the land in question was taken possession of by the State and allotted for public purpose to the Youth Welfare Department and the Collectorate and has continued in the possession of the State, the claim of the State that it is government land cannot be summarily discarded. We find, upon a perusal of the record, that the appellant had, in fact, filed an execution case for taking over possession of the land, which would demonstrate clearly the admitted position that he was not in possession thereof. Thus, the matter would, in our considered view, require adjudication on its own merits due to various reasons, *inter alia*, the fact that a new district has been formed after the initial claim of the appellant of being allotted the land in the years 1975-1976/1977-1978. Therefore, the delay of 1537 days reckoned from 01.10.2015 i.e. when the First Appellate Court decreed the suit, includes two years and four months delay in filing a Review Petition (which was itself dismissed on the ground of delay by the First Appellate Court) and of about a year thereafter for filing the Second Appeal before the High Court, in the peculiar facts and circumstances of the case, which, at the cost of repetition relate to land claimed by the State as government land and in its possession, persuade us to not interfere with the Impugned Order. Relevantly, initially the suit was dismissed by the Trial Court, which decision was reversed by the First Appellate Court.

16. The Court in ***Ramchandra Shankar Deodhar v State of Maharashtra***, **(1974) 1 SCC 317** held:

> *'10. …There was a delay of more than ten or twelve years in filing the petition since the accrual of the cause of complaint, and this delay, contended the respondents, was sufficient to disentitle the petitioners to any relief in a petition under Article 32 of the Constitution. We do not think this contention should prevail with us. In the first place, it must be remembered that the rule which says that the Court may not inquire into belated and stale claims is not a rule of law, but a rule of practice based on sound and proper exercise of discretion, and there is no inviolable rule that whenever there is delay, the Court must necessarily refuse to entertain the petition. Each case must depend on its own facts. The question, as pointed out by Hidayatullah, C.J., in Tilokchand Motichand v. H.B. Munshi [(1969) 1*

*SCC 110, 116 :(1969) 2 SCR 824] "is one of discretion for this Court to follow from case to case. There is no lower limit and there is no upper limit .... It will all depend on what the breach of the fundamental right and the remedy claimed are and how the delay arose".'*

(emphasis supplied)

17. No doubt, ***Ramchandra Shankar Deodhar*** (*supra*) relates to a writ petition, but the statement of law laid down is clear. ***Sheo Raj Singh*** (*supra*) has also considered the impersonal nature of the functioning of the State, taking note of what was observed in ***State of Manipur v Kotin Lamkang, (2019) 10 SCC 408***. In ***A B Govardhan v P Ragothaman, (2024) 10 SCC 613***, the Court considered as under:

*'**37.** In Collector (LA) v. Katiji [Collector (LA v. Katiji, (1987) 2 SCC 107], the Court noted that it had been adopting a justifiably liberal approach in condoning delay and that "justice on merits" is to be preferred as against what "scuttles a decision on merits". Albeit, while reversing an order of the High Court therein condoning delay, principles to guide the consideration of an application for condonation of delay were culled out in Esha Bhattacharjee v. Raghunathpur Nafar Academy [Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12 SCC 649: (2014) 1 SCC (Civ) 713: (2014) 4 SCC (Cri) 450: (2014) 2 SCC (L&S) 595]. One of the factors taken note of therein was that substantial justice is paramount [Para 21.3 of Esha Bhattacharjee [Esha Bhattacharjee v. Raghunathpur Nafar Academy, (2013) 12 SCC 649: (2014) 1 SCC (Civ) 713: (2014) 4 SCC (Cri) 450: (2014) 2 SCC (L&S) 595]].*

***38.** In N.L. Abhyankar v. Union of India [N.L. Abhyankar v. Union of India, 1994 SCC OnLine Bom 574: (1995) 1 Mah LJ 503], a Division Bench of the Bombay High Court at Nagpur considered, though in the context of delay vis-à-vis Article 226 of the Constitution, the decision in Dehri Rohtas Light Railway Co. Ltd. v. District Board, Bhojpur [Dehri Rohtas Light Railway Co. Ltd. v. District Board, Bhojpur, (1992) 2 SCC 598] , and held that: (N.L. Abhyankar case*

*[N.L. Abhyankar v. Union of India, 1994 SCC OnLine Bom 574: (1995) 1 Mah LJ 503], SCC OnLine Bom para 22)*

> *"22. … The real test for sound exercise of discretion by the High Court in this regard is not the physical running of time as such, but the test is whether by reason of delay there is such negligence on the part of the petitioner, so as to infer that he has given up his claim or whether before the petitioner has moved the writ court, the rights of the third parties have come into being which should not be allowed to be disturbed unless there is reasonable explanation for the delay."*
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> *(emphasis supplied)*

***39.*** *The Bombay High Court's eloquent statement of the correct position in law in N.L. Abhyankar case [N.L. Abhyankar v. Union of India, 1994 SCC OnLine Bom 574: (1995) 1 Mah LJ 503] found approval in Municipal Council, Ahmednagar v. Shah Hyder Beig [Municipal Council, Ahmednagar v. Shah Hyder Beig, (2000) 2 SCC 48] and Mool Chandra v. Union of India [Mool Chandra v. Union of India, (2025) 1 SCC 625: 2024 SCC OnLine SC 1878].*

***40.*** *In the wake of the authorities abovementioned, taking a liberal approach subserving the cause of justice, we condone the delay and allow IA No. 16203 of 2019, subject to payment of costs of Rs 20,000 (Rupees twenty thousand) by the appellant to the respondent.'*

(emphasis supplied)

18. Considering the above pronouncements and on an overall circumspection, we are of the opinion that the Second Appeal deserves to be heard, contested and decided on merits. However, a note of caution is sounded to the respondent to exhibit promptitude in like matters henceforth and *in futuro*, failing which the Court may not be as liberal.

19. Accordingly, the present appeal stands dismissed. The Impugned Order is upheld with the imposition of costs *infra*.

20. No order as to costs. I.A.s No.62432/2024[4] and 62433/2024[5] are allowed.

21. To offset, to some extent, the hardship of the appellant in pursuing his legal remedies, we deem it appropriate that costs of Rs.50,000/- (Rupees Fifty Thousand) be paid by the respondent to the appellant, subject to which the delay in filing the Second Appeal shall be treated as condoned. Let such payment be made within one month from today. Failure to do so shall entail peremptory dismissal of the Second Appeal.

22. Further, if the payment is made within the timeline stipulated above, the High Court is requested to take up the Second Appeal on priority and endeavour to dispose it of expeditiously.

23. Our observations are in the context of the Impugned Order alone. They will neither aid nor prejudice either party in the Second Appeal. Parties are at liberty to raise all contentions of fact and law before the High Court on merits.

*Result of the case:* Appeal dismissed.

†*Headnotes prepared by:* Divya Pandey

4 Seeking exemption from filing Certified Copy of the Impugned Judgment.

5 Seeking exemption from filing Official Translation(s).