



## A CRITICAL REVIEW OF THE 'SUFFICIENT CAUSE' STANDARD IN CONDONATION OF DELAY CASES

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### **ABSTRACT**

*A vital court instrument to balance procedural efficiency and equitable justice is the princely doctrine of condonation of delay governed by Section 5 of the Limitation Act, of 1963. The article scrutinizes the degree of judicial interpretation and application of the "sufficient cause" test, emphasizing the subjectivity and flexibility of the test. Also mentioned here are the differences in judicial reasoning and their effect on the plaintiffs, especially the marginalized, through analyzing landmark cases like Collector, Land Acquisition v. Katiji, and Balwant Singh v. Jagdish Singh. It also discusses socioeconomic barriers, delayed systemic processes, and respect toward executive entities. Furthermore, the article condemns reliance on judicial discretion, which often leads to unpredictability. With a reiteration of duty, justice, and transparency, the article introduces this framework with some "sufficient cause" guidelines propagated from case studies and comparative research. The framework intends to elaborate common principles on how different forms of evidence should be handled, the expected transparency, and other related processes meant to reduce contest costs, reinforce equity, and build trust in the justice system. The article calls for the extension of the debate on the condonation of delay in the Indian justice system into the courts.*

### **INTRODUCTION**

‘Justice delayed is justice denied.’

– William E. Gladstone.

This potent proverb sums up the core of a just and efficient judicial system: justice must be administered promptly to maintain its applicability and legitimacy. However, judicial process

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delays remain a major problem in many jurisdictions, notably India, where millions of cases are pending for years or even decades. Delays like these erode public trust, erode the rule of law, and frequently lead to significant injustice, disproportionately affecting disadvantaged and marginalized communities who lack the means to handle drawn-out legal proceedings.

Nonetheless, the law acknowledges that strict adherence to procedure timelines, without any leeway for deviations, may result in injustice. Unexpected challenges brought on by real-life situations disease, lack of funds, inability to obtain legal counsel, or natural disasters may make it impossible for a party to file within the allotted time. The concept of "condonation of delay" was created to deal with these situations, allowing judges to extend deadlines where "sufficient cause" is shown as an exception to the Limitation Act, of 1963. This theory aims to achieve a careful balance between fair justice, which guards against injustices brought on by inevitable mistakes, and procedural efficiency, which guarantees the seamless operation of the legal system.

The core of the doctrine is the idea of "sufficient cause," a flexible and context-sensitive test intended to take into account actual hardships that litigants may experience. Judicial interpretations have moulded this idea, allowing it to cover a broad spectrum of situations, from unintentional mistakes to structural obstacles like illiteracy or ignorance of legal rights. But because of its inherent vagueness, courts have used it in a variety of sometimes conflicting ways, leaving both litigants and legal professionals in the dark. Although this flexibility enables courts to take into consideration the specifics of each case, it has also sparked worries about subjectivity, abuse, and the possible weakening of procedural discipline.

This article explores the nuances of the "sufficient cause" test in situations involving the forgiveness of delays, following its development in history and jurisprudence and critically analyzing how it is used in modern court proceedings. It highlights the main difficulties in interpreting it, such as the conflict between consistency and flexibility and the effects on judicial efficiency and access to justice. Lastly, the paper offers a methodical approach to understanding "sufficient cause" to improve predictability and clarity without compromising the doctrine's egalitarian goals. By doing this, this study hopes to add to the larger conversation about striking a balance in an increasingly complicated judicial system between the pursuit of substantive justice and procedural rigour.

## HISTORICAL AND LEGAL BACKGROUND

The Limitation Act 1963<sup>1</sup> derives its basis from the maxim “interest reipublicae ut sit finis litium” which means that it is in the interest of the state and the public that there be an end to litigation and the maxim “Vigilantibus non dormientibus jura subventionis”<sup>2</sup> which says that the law assists those who are vigilant and not those who sleep over their rights. The Limitations Act of 1963 establishes a deadline for bringing a lawsuit to obtain a remedy. The suit will be barred if it is filed by an individual after the specified time limit has passed. The act's primary goal is to accelerate the resolution of cases by preventing them from lingering for too long. This helps the diligent not the indolent. If a man has been negligently sleeping over his rights and delaying the processes of justice due to his irresponsibility then the law does not let him litigate with respect of those rights.<sup>3</sup> It applies to all civil and criminal cases. The Law of Limitation bars a remedy in a court of law only when the limitation has expired, but it does not extinguish the right that it cannot be enforced in the judicial process.<sup>4</sup>

Section 5 of the Limitation Act, 1963 enunciates the principle of condonation of delay. It reads as follows: "Any appeal or application, except one made by Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the allotted period if the appellant or applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period."<sup>5</sup> It implies that if the party cites a "sufficient cause" that prevented them from submitting the appeal or application on time, the court may disregard the delay if the appellant or applicant failed to comply with any court order, practice, or judgment within the allotted time.

If the court is satisfied with the sufficient cause, it may condone the delay and admit the appeal or application as if no delay had occurred, allowing the matter to proceed on merits rather than being dismissed solely on technical grounds. The Limitation Act does not define the term "sufficient cause." It varies according to the specifics of each case. It must, however, be a cause outside the party's control. The Section does not apply to suits. It solely pertains to the

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<sup>1</sup> Limitation Act 1963 (India).

<sup>2</sup> The Limitation Act 1963 (India) derives its basis from the maxims interest reipublicae ut sit finis litium and vigilantibus non dormientibus jura subventionis, as emphasized in its preamble.

<sup>3</sup> A G Sudarshan, 'Condonation of Delay: An Analysis' (Year) 7 Indian Journal of Law and Legal Research 989 [https://heinonlineorg.opj.remotlog.com/HOL/Page?collection=journals&handle=hein.journals/injllw7&id=989&men\\_tab=srchresults](https://heinonlineorg.opj.remotlog.com/HOL/Page?collection=journals&handle=hein.journals/injllw7&id=989&men_tab=srchresults) accessed 23 January 2025.

<sup>4</sup> Bombay Dyeing and Manufacturing Co Ltd v State of Bombay AIR 1958 SC 328.

<sup>5</sup> Limitation Act 1963 (India), s 5.

applications or appeals listed there. Because the statute of limitations permitted in most actions ranges from three to twelve years, but in appeals and applications it does not surpass six months, the section does not apply to suits.

The courts have been given the power to condone the delay in approaching the court so that they can provide parties with significant justice. In the case *State of Bihar v. Suchit Halwai*, (2018)<sup>6</sup>, it is stated, “Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.’

Every day's delay must be explained does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.”

The court has discretion over whether to excuse a delay. According to Section 5 of the Limitation Act, such discretion is not limited to situations when the delay falls within a specific range. The only criterion is whether the explanation is acceptable; the length of the delay is irrelevant. In some situations, a delay of a very long range can be excused since the explanation is adequate, but in other situations, a delay of the shortest range may not be accepted owing to a lack of an acceptable explanation.

When a court finds an explanation adequate, it is the outcome of a positive exercise of discretion, and typically, unless the exercise of discretion was based on completely irrational, arbitrary, or perverse grounds, the superior court should not overturn such a finding, much less in revisional jurisdiction. However, when the first court declines to excuse the delay, it is a different story. In these situations, the superior court would have the freedom to reexamine the reason for the delay and reach its conclusions, even if they are not constrained by the lower court's ruling.<sup>7</sup>

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<sup>6</sup> *State of Bihar v. Suchit Halwai*, (2018) 12 SCC 13

<sup>7</sup> *N. Balakrishnan v. M. Krishnamurthy*, (1998) 7 SCC 123.

## SUFFICIENT CAUSE

Section 5 of the Limitation Act's definition of "sufficient cause" is sufficiently ambiguous to have varying outcomes based on the purpose and setting of a statute. The phrase "sufficient cause" by itself is not a magic bullet for resolving careless and out-of-date claims.<sup>8</sup>

The reason the defendant could not be held accountable for his absence is known as sufficient cause. The term "sufficient" means "adequate" or "enough," since it may be required to address the desired objective. Therefore, the word "sufficient" embraces no more than that. Which provides a platitude that, when the act is done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the viewpoint Of a reasonable standard of a cautious man.<sup>9</sup> The exercise of the court's exceptional discretion is contingent upon the demonstration of adequate reason. One of the factors to be considered when exercising discretion is the shortness of the delay and the sufficiency of the cause, not the duration of the delay.<sup>10</sup> There aren't any sufficient cause categories. There is never a complete list of sufficient cause categories. Every case outlines a distinct experience that the Court will handle as such.<sup>11</sup>

## JUDICIAL INTERPRETATION OF 'SUFFICIENT CAUSE'

No statutory enactment, such as the Limitation Act of 1963 or the Civil Procedure Code, has defined the term "sufficient cause" for the condonation of delay, and so its meaning was left for judicial interpretation. It covers a satisfactory and cogent reason experienced by a party using as a basis or justification for an infringement of a legal deadline.<sup>12</sup> Courts have further emphasized that this concept is elastic and ought to be applied with a sense of discretion, considering the particular facts of the case. The application of this concept is entirely subjective.

The main purpose of laying down the meaning of sufficient cause is ultimately twofold: first, for a healthy balance between an indefinite prolongation of litigation by way of delays and infringement of the rights of the opposite party; secondly, that substantial justice should

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<sup>8</sup> State of Maharashtra v. Borse Bros. Engineers & Contractors (P) Ltd., (2021) 6 SCC 460.

<sup>9</sup> Basawaraj v. Land Acquisition Officer., (2013) 14 SCC 81.

<sup>10</sup> (NCT of Delhi) v. Ahmed Jaan., (2008) 14 SCC 582.

<sup>11</sup> R B Ramalingam v. R B Bhvansewari (2009)1 RCR (Civil) 892

<sup>12</sup> Collector, Land Acquisition v Katiji (1987) AIR 1353 (SC).

certainly prevail over technicalities and minor procedural lapses.<sup>13</sup> It is on this premise that Section 5 of the Limitation Act 1963, empowers the judges to spare delays grounded on sufficient cause. Ex-parte decrees may also be set aside if there are sufficient reasons for the absence of an applicant, according to Order IX Rule 13 of the Civil Procedure Code. Over the years, different guiding principles have been evolved by courts for the interpretation of sufficient cause.<sup>14</sup>

The first is where judicial liberalism has been applied in defining sufficient causes while waiver is sought from compliance in the case of procedural lapses incurred in good faith. Reference was made in the landmark case of 'Collector, Land Acquisition v. Katiji (1987)', where the courts were directed not to adopt hyper-technical approaches when permitting condonation but to be more liberal in the interpretation.<sup>15</sup> It is presumed that no delay will be expected from a plaintiff until the contrary is proved since any plaintiff cannot benefit by making his cause go unattended. The next is where the explanation to be offered for the delay must cover the lost day with acceptable and justifiable reasons.

In the case 'Ramlal v. Rewa Coalfields Limited (1962)<sup>16</sup>, it was stated that diligence must be shown in the reasons advanced before the court. This case laid down that under no circumstance does mere negligence suffice to set valid grounds for a delay application. The third is that there is no need to tread a narrow path while determining sufficient cause. The court decisions which highlight that the nature of the circumstances, length of delay, and impact on justice, shall all be taken into account.

In the case of 'State of West Bengal v. Administrator, Howrah Municipality (1972)<sup>17</sup>, it was very clearly stated that the sufficiency of cause is purely subjective. The fourth is that although the courts have sought to appreciate that red tape can cause delays in government dealings, they do contend that this does not grant the upper hand to the government in its cavil. In the case of 'State of Nagaland v. Lipok AO (2005)<sup>18</sup>, the Supreme Court advanced condonation-on account of their institutional limitations, delays by Government entities should not be taken

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<sup>13</sup> State of West Bengal v Administrator, Howrah Municipality (1972) AIR 749 (SC).

<sup>14</sup> Section 5, Limitation Act 1963.

<sup>15</sup> Collector, Land Acquisition v Katiji (n 1).

<sup>16</sup> Ramlal v Rewa Coalfields Limited (1962) AIR 361 (SC).

<sup>17</sup> State of West Bengal v Administrator, Howrah Municipality (n 2).

<sup>18</sup> State of Nagaland v Lipok AO (2005) 3 SCC 752.

a stringent view of. The judgment did however emphasize that the Government departments should endeavor to act with proper expedition and within due course.

The fifth is that substantial justice has always taken precedence over technicalities in the eyes of the courts. That said, in the 'N. Balakrishnan v. M. Krishnamurthy (1998)<sup>19</sup>' case, the period of delay is of little importance as compared to the reason for delay. If a petitioner has an excellent case on his own merits, denying him the condonation only on the grounds of delay would result in a miscarriage of justice. The sixth one is they see if the petitioner has acted with diligence and good faith. If there is strong proof of a mala fide intention or the applicant carelessly neglected the issue, an application for condonation is generally denied.

Different circumstances have been recognized as sufficient causes for condonation, such as natural disasters like floods and earthquakes or other acts of God; the principles here apply equally to other more random events that create equivalent delays, like situations where the litigant or counsel cannot act in deference to each other's health. Condonation may also be allowed in some instances of counsel mistakes that do not arise as a result of gross negligence, such as misconstruing an order, procedural errors, etc.

Administrative delays have also assumed sufficient cause, particularly within government offices. However, the courts extend reasonable limitations on such grounds to avoid misuse. In practically all other cases, without proper reasons, a delay will be considered again from the point of view of maintaining an equilibrium that is a matter of balance between any rights or equities. A delay is usually not condoned when it is found to be unreasonably explained or unduly long without satisfactory explanation. Further, an application for condonation may not be allowed if it is contrary to good conscience to do so and unjustly infringes the other party's rights.

## **CHALLENGES AND CRITIQUE**

The objective of the theory of condonation of delay is to promote justice by permitting a plaintiff to overcome procedural delays wherever a cause for such delay is established. Critiques of this notion and the challenges faced with it are large in number. Usually, courts find themselves taking an approach that balances a liberal definition of "sufficient cause" with these considerations to promote procedural discipline and safeguard the interests of the

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<sup>19</sup> N Balakrishnan v M Krishnamurthy (1998) AIR 3222 (SC).



opposite side.<sup>20</sup> Therefore, concerns over its misuse by careless or dishonest litigants, the arbitrary pursuit of different approaches by various courts, and excessive leniency in favour of the government exist.<sup>21</sup> This theory has sparked a host of debates focusing on its implications for efficiency and equity in the legal system.<sup>22</sup>

There are still several challenges and critiques concerning the condonation of the delay scheme. Number one is the subjectivity in judicial discretion. This inherently brings about inconsistency as it is basically subjective and largely influenced by the individual judge's viewpoint. Hence this subjectivity usually leads to inconsistent judgments where different judges or jurisdictions derive varying conclusions on the same facts. One court lenient by its nature might allow condonation for a delay stemming from a procedural error, while another court may take such delay as a sign of a malicious act.<sup>23</sup>

Due to the lack of a uniform set of standards, the precedential value of earlier rulings diminishes, thereby creating uncertainties for the plaintiffs regarding their chances of success in similar cases.<sup>24</sup> This might damage public confidence in the justice system, as decisions would often appear unwarranted or biased. Logically, offenses regarding condonation provisions have been abused, undermining procedural certainty in the absence of adequate precise, and uniform regulations.

The second one is that negative impacts on the rights and interests of the rival party are sometimes high. Limitation periods are designed to bring clarity and closure to disputes, and litigants rely on this to conclude matters at any reasonable time. Condonation, on the other hand, is against this rational assumption, extending the case and putting pressure on the other side through financial and emotional strains, as they bear higher costs and risks.<sup>25</sup>

Delays were almost routinely plotted to frustrate or disadvantage the opposite party, resulting in totally undeserved points of view. Since it must award condonation in the best interests of justice, the courts must exercise their discretion with utmost care in picking each side so that condonation can be granted when the other side is not subjected to extreme prejudice. The

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<sup>20</sup> Collector, Land Acquisition v Katiji (1987) 2 SCC 107

<sup>21</sup> Esha Bhattacharjee v Managing Committee of Raghunathpur Nafar Academy (2013) 12 SCC 649

<sup>22</sup> Balwant Singh v Jagdish Singh (2010) 8 SCC 685

<sup>23</sup> Basawaraj v Special Land Acquisition Officer (2013) 14 SCC 81

<sup>24</sup> Law Commission of India, Report No. 210: Limitation Act, 1963 (2008)

<sup>25</sup> C.K. Takwani, Civil Procedure with Limitation Act (9th ed, EBC 2020) 356



third, then, can be characterized as a broadly expressed leniency toward government establishments. The most common reasons for delays are, among others, the administrative obstacles from government agencies or an appeal filed far beyond the time limit. Private litigants, on the other hand, face more rigid requirements.<sup>26</sup> Their laxity could create the impression that they are being dealt an unfair blow because their leniency breeds something grossly inefficient in government establishments.

Criticism argues that the focus of the government should be placed not on leniency to avoid delays, but rather on improving their administrative systems, thereby reducing the annoyingly late delays.<sup>27</sup> The fourth one is the cavalier approach toward the overburdening of the judiciary. As a result of the condonation mechanism's requirement for more application hearings, the court's backlog of cases continues to increase. The judicial workload escalates because each request for condonation must be separately considered. Through condonation, cases that may have been rejected on technical issues will now go forward for hearing before the judgment is entered, further delaying conflict resolution. Further delay this brings into the whole process of adjudication is depriving meaningful adjudication of its time and budget.

The clause for condonation is a necessity for justice, and the creation of additional structural pressure on an already overburdened judiciary to dispense justice with great expedition and efficiency. The fifth is the burden of proof. While it is generally equitable, the applicant does bear the burden of showing "sufficient cause" for the delay, putting an undue onus on him to provide very often information that may be too difficult or impossible to gather.<sup>28</sup> This especially proves to be challenging in light of institutional delays, aspects of time, certain exigencies, or natural catastrophes that one could not have anticipated.

This will create an undue burden for plaintiffs in the sense of the need to support their cases. Critics say that such a requirement is unfairly detrimental to the weaker parties' persons or smaller bodies having fewer means to acquire relevant data or answer submissions made by their counterparts with extensive resources and power and thus threatens the values of justice and fairness.

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<sup>26</sup> Union of India v Ram Charan (1964) AIR SC 215

<sup>27</sup> Judicial Delays: A Roadblock to Justice (2017) 13 NUJS L Rev 101

<sup>28</sup> Collector, Land Acquisition v Katiji [1987] 2 SCC 107

Socioeconomic circumstances play a significant role in the case for condonation of delay. Courts, when assessing what constitutes "sufficient cause," weigh the social and economic conditions of the parties for their implications for meeting the procedural deadlines. Difficult economic situations might delay filing petitions or appeals for lack of court-fee settlement, lack of legal support, or even of reaching the courts. Financial difficulties from socio-economic conditions become a hindrance for these people in seeking justice through timely actions. Some litigants living in rural areas or remote localities face rather difficult circumstances for easy access to courts, i.e., lack of infrastructure, poor transport, and communication facilities.<sup>29</sup> Natural disasters or extreme weather conditions can aggravate the situation more by inhibiting timely legal action.

Women, SCs, STs, and other backward classes in their quest for justice often have to negotiate a large number of obstacles on their way. The systemic hostility these groups typically encounter—whether social, economic, or institutional—really cripples their ability to engage the legal system.<sup>30</sup> Inadequate access to legal knowledge, socio-cultural hindrances, lack of income, and social stigma create a host of hurdles causing delays in the filing of cases or appeals. An example that could be used here is the case of women in patriarchal countries opposing communities or family members when they try legal prosecution, and underprivileged caste members since they may not get needed support within the legal system suffer discrimination.<sup>31</sup>

In these cases, these backward socio-cultural and economic changes are more often than not a factor towards a delay rather than any negligence on the litigants. Otherwise, poor plaintiffs may have recourse only to unlicensed consultants or non-law professionals or may receive no help at all. Timely filing may be hampered by poor advice or a delay in getting the right legal counsel.

### **CASE STUDIES AND REAL-LIFE INCIDENTS**

The interpretation of 'sufficient cause' in the condonation of delay applications demonstrates a dynamic interplay between judicial leniency and strict adherence to procedural timelines. In *Collector, Land Acquisition v. Katiji* [(1987) 2 SCC 107]<sup>32</sup>, the Supreme Court emphasized a

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<sup>29</sup> Marc Galanter, *Law and Society in Modern India* (OUP 1989) 246

<sup>30</sup> Law Commission of India, Report No. 210 (2008)

<sup>31</sup> *Vishaka v State of Rajasthan* (1997) 6 SCC 241.

<sup>32</sup> *Collector, Land Acquisition v Katiji* (1987) AIR 1353 (SC).

liberal approach, asserting that the law should favour substantial justice over technicalities. The Court reasoned that denying condonation for procedural delays could unjustly block meritorious cases from being decided on their merits. It was held that "every day's delay must be explained" does not imply a pedantic or overly strict application of the doctrine, but rather a rational, pragmatic approach. This judgment set a precedent for allowing courts to interpret 'sufficient cause' elastically to serve the ends of justice, particularly in cases where litigants face genuine hardships. By focusing on the principle of substantial justice, the Court acknowledged the importance of ensuring that procedural barriers do not impede access to justice. The Court recognized the significance of making sure that procedural obstacles do not obstruct access to justice by concentrating on the idea of substantive justice.

On the other hand, the judiciary took a more stringent stand in *Balwant Singh v. Jagdish Singh* [(2010) 8 SCC 685]<sup>33</sup>, emphasizing that the condonation concept shouldn't promote slackness or egregious carelessness. The Court underlined that procedural standards cannot be completely ignored, even though they shouldn't take precedence over substantive justice. It was noted that a party requesting a condonation must show sincere intentions and offer a plausible justification for the postponement. According to the Court, evasive or casual explanations are insufficient since they defeat the intent of statutory deadlines and interfere with the fair administration of justice. This ruling showed that the court is prepared to hold parties responsible for unjustified delays, even if doing so means losing the chance to hear a case. The ruling upheld the notion that delay forgiveness is the exception rather than the rule by striking a balance between the goals of justice and procedural efficiency.

The difficulties plaintiffs encounter in meeting procedural deadlines are further illustrated by real-world examples. Natural disasters like earthquakes, floods, and other unplanned catastrophes frequently interfere with court proceedings and prevent timely filings. For example, due to infrastructural collapse and displacement during Kerala's disastrous 2018 floods, many plaintiffs were unable to file appeals or applications within the allotted period. Similarly, lockdowns, travel restrictions, and health hazards made it difficult to obtain legal resources during the COVID-19 epidemic, which had a significant influence on court filings globally. To ensure that plaintiffs were not harmed by the pandemic's delays, the Supreme Court of India, in *In Re: Cognizance for Extension of Limitation* [(2020) SCC OnLine SC 343],

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<sup>33</sup> *Balwant Singh v Jagdish Singh* (2010) 8 SCC 685

extended the statute of limitations for all claims under various statutes in recognition of these extraordinary difficulties.

Legal proceedings can sometimes be significantly delayed by socioeconomic hurdles, especially for impoverished people. For instance, due to structural injustices, limited access to legal representation, and a lack of knowledge about legal procedures, tribal and rural plaintiffs frequently miss deadlines. Courts have occasionally allowed delays in these situations to guarantee substantive justice. However, in these cases, the sufficient cause requirement is used inconsistently, which emphasizes the need for a more organized framework to solve the socioeconomic gap. In *State of Bihar v. Kameshwar Prasad Singh* [(2000) 9 SCC 94]<sup>34</sup>, for example, the Court recognized that government officials' procedural delays should not infringe upon people's rights, especially when the delay results from systemic inefficiencies rather than willful indifference.

The complexity of this problem is further shown by empirical data on the condonation of delay petitions. According to studies, government departments submit a sizable portion of these applications, frequently blaming missed deadlines on interdepartmental approvals and bureaucratic hold-ups. For instance, a 2019 study by the Vidhi Centre for Legal Policy found that the government was a plaintiff in about 70% of Supreme Court cases involving delay condonation, with success rates ranging greatly depending on the type of case and the justification offered. Courts have warned against letting systemic inefficiencies serve as a justification for ignoring statutory deadlines, even though they have occasionally taken a forgiving stance toward government delays.<sup>35</sup> The judiciary's attempts to strike a balance between institutional accountability and equal justice are reflected in this dual approach.

For example, the Supreme Court rejected the government's request for a 427-day delay to be excused in *Postmaster General v. Living Media India Ltd.* [(2012) 3 SCC 563]<sup>36</sup>, stating that there was no adequate justification. The Court emphasized that "it is the right of a party to file a case, but the government must be vigilant" and chastised government departments for their lax approach to meeting deadlines. This ruling emphasized the need for systemic changes to

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<sup>34</sup> *State of Bihar v Kameshwar Prasad Singh* (2000) 9 SCC 94

<sup>35</sup> Vidhi Centre for Legal Policy, 'Government Litigation in the Supreme Court of India' (2019) <https://vidhilegalpolicy.in> accessed 26 January 2025.

<sup>36</sup> *Postmaster General v Living Media India Ltd* (2012) 3 SCC 563

alleviate delays brought on by bureaucratic inefficiencies and reaffirmed the idea that the law applies to all plaintiffs equally, regardless of their standing.

In contrast, in matters involving delay condonation, individual litigants are frequently subject to more scrutiny, since courts demand thorough justifications for even little delays. This discrepancy emphasizes how crucial it is to employ a consistent methodology for determining "sufficient cause," especially when dealing with litigants who are at risk. Delays brought on by poverty, illiteracy, or lack of access to technology, for instance, are frequently written off as insufficient, even when they are the result of structural obstacles rather than personal carelessness. To address this disparity, judges must be more sensitive to concerns of equity and justice and have a more sophisticated grasp of the socioeconomic realities that litigants must contend with.

### **PROPOSED FRAMEWORK FOR CLARITY AND PREDICTABILITY**

A clear and consistent framework for delay condonation must be established in the interest of restoration of equilibrium between the goals of justice and procedural discipline.<sup>37</sup> A free-use approach to "sufficient cause" often leads to ambiguity and confusion, even while it allows room for reasonably permissible consideration in putting forth valid reasons for the delay.<sup>38</sup> An organized approach would ensure fairness for all stakeholders, decreasing arbitrary elements and clarifying decision-making.<sup>39</sup> The framework gives a structure that could protect the sanctity of all legal proceedings and enhance judicial efficiency by putting in place the essential parameters that quality checks must meet to guard against corruption. Such an arrangement would ensure that decision-making in condonation is fair and transparent to improve public confidence in the system.

To give coherence and more clarity, a codified set of guidelines outlining the meaning which, in judicial orders or legislative amendments, deems "sufficient cause" should be created.<sup>40</sup> Thus, they are to specify such an event as a sufficient cause e.g., certified medical illness, natural calamities, or mistakes of counsel, to guide the litigant and the Court appropriately. Otherwise, it must not be exhaustive; but reactions, sometimes varying substantially in their uniqueness, must avoid stopping at the wrong time. The regulations must also enunciate the

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<sup>37</sup> Law Commission of India, Report No. 210: Limitation Act, 1963 (2008)

<sup>38</sup> *Esha Bhattacharjee v Managing Committee of Raghunathpur Nafar Academy* (2013) 12 SCC 649

<sup>39</sup> *Collector, Land Acquisition v Katiji* (1987) 2 SCC 107

<sup>40</sup> Law Commission of India, Report No. 100: Limitation Act, 1963 (1984)

different instances that would be excluded from being described as valid causes, such as continual adjournments and negligence absent of particular reasons to do so to disallow abuse of the clause and to compel keeping of wide procedural discipline.

About condonation, delays should, in my opinion, be categorized concerning their duration and weight of significance.<sup>41</sup> A minor delay of between 15 to 30 days may be excused with little investigation, provided the applicant gives valid reasons. Reasonable proof and justification should support applications for moderate delays running anywhere from one to six months. Serious delays of over six months or even many years must be closely examined, requiring very persuasive proof of good due diligence by the applicant. Besides weighing the length of the delay, the courts must juxtapose procedural discipline against an equitable approach. In deciding whether there has been an actual delay or one that could have been avoided, the court should evaluate the bona fides or good faith of the applicant.<sup>42</sup>

Those factors to be considered are whether the applicant acted promptly upon learning of the delay and whether the applicant made good faith efforts to meet the deadlines or remedy the mistakes during the subsistence of the case. The court shall also consider the background of the applicant to establish if there was a pattern of excessive delays and abuse of procedural restrictions. This assessment involves either ensuring that only those individuals who have proved themselves to have acted honestly and diligently in pursuing remedies are granted condonation or proving a disincentive against haste and fraud. For any candidate to seek a delay pardon, the following permanent requirements must be fulfilled: substantial proof in support of the set-off.<sup>43</sup> In case of medical grounds, it must be backed by hospitalization records or physician certificate; natural calamities will require attestation from a government functionary or some news coverage; whatever is attributed to counsel's errors may best be supported by the establishment or affidavit of error in some way. Such a requirement protects against abuses of the provision and ensures that the allegations are based on confirmed facts. Courts should therefore reject applications lacking such substantial foundation or presented on vague unsubstantiated grounds to ensure integrity and accountability in the procedure. Since systemic inefficiencies often grant leeway to government agencies, controls must be strict.<sup>44</sup> Courts must require such agencies to give comprehensive testimony on each case of delay, with internal

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<sup>41</sup> Balwant Singh v Jagdish Singh (2010) 8 SCC 685

<sup>42</sup> Basawaraj v Special Land Acquisition Officer (2013) 14 SCC 81

<sup>43</sup> M.R. Gupta v Union of India (1995) 5 SCC 628

<sup>44</sup> Law Commission of India, Report No. 230: Reforms in the Judiciary (2009)

emails or documents to support it. Such departments must also take the initiative to reduce delays by processing things in time and following up on decisions frequently.

When certain departments or agencies are still lagging, some systemic reviews leading to administration improvements should be undertaken. This general approach recognizes institutional pressures that exist alongside the claims of improved accountability and efficiency in government operations. One limitation to establishing a time limitation on condonation is the stipulation of a maximum time frame within which condonation matters should be dealt with upon application submission after the deadline expires.<sup>45</sup> This provision ensures that there will be no interminable delays and will confirm the finality of procedural proceedings. By way of example, it may be that applications for condonation may only be entertained up to two years after the statute of limitations normally will have lapsed unless there are exceptional circumstances, and the grounds are mandatory.

The restriction of delays and allowing for some measure of latitude for justifiable instances will make any limitation to be sought in two years more balanced in favour of substantive justice and procedural discipline. Every act must be chiseled away meticulously to derive the jurisprudence formula that would perfectly give justice. Such worthiness is not the likelihood to be easily endorsed or built up using certainty. Yet when we move past swearing and are consistent in our progression of learning, we can make a change and uphold or back down on certain principles. This is the reason why formal induction packs to recall "sufficient causes" to the judicial officers shall be made standard practice to annihilate or swamp any fractional discrimination that bandies about to shatter the code in the name of wisdom. Designated precedents in delays ought to be collected into one freely available database meant for the legal community and the judiciary.<sup>46</sup> The database could contribute significantly to attenuating and keeping the results of law resonantly clear from subjectivity and a lack of consistent approachability of theory by courts among common law jurisdictions.

Tackling delay condonation will confirm judicial wits and thus improve judiciary efficiency and fairness in a neo-platform that brings standardization of information and interpretation forth. All condonation applications would be monitored closely, especially when systemic or

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<sup>45</sup> Union of India v Giani (2011) 15 SCC 579

<sup>46</sup> National Judicial Data Grid (NJDG), <https://njdg.ecourts.gov.in/>



patterned delays were involved.<sup>47</sup> In instances where government offices had a track record of being late or perpetually erring, court registries could have in-depth records of applications submitted to them. Constant analysis of the documents would flag trends, leading to targeted process adjustments to combat persistent issues. The collection and evaluation of such data would improve the integrity of the legal system, thereby discouraging pointless or repetitive delays and encouraging better case management.

## CONCLUSION

Condonation of delay is an effective weapon in the hands of the judiciary to not let justice perish on technicalities. It allows judges to be lenient about procedural delays that come with filing petitions, or appeals provided there are good grounds for the same. The iterations of this doctrine, however, while it does strengthen the principles of justice by highlighting the real hardships faced by litigants, its application is often fraught with the issues as stated above and loopholes exploited by unscrupulous litigants and the inefficiencies of organization, which are most egregious in the government agencies. Lack of a uniform standard for determining “sufficient cause,” gives rise to this predicament because it results in divergent decisions under different scenarios and jurisdictions.

Even though situations such as illness, natural disasters, or procedural lapses are bona fide reasons, they do not give explicit criteria on what valid reasons should be accepted. Moreover, careless or dishonest litigants may exploit the clause, withhold material facts from the opposing party and the court, and place unnecessary burdens on the court, jeopardising the rights of opposing parties. Lack of accountability often leads those government agencies—typically given a free pass—to point to structural inefficiencies. Legislative change or a court order is needed to set the same standard for “sufficient cause,” to remedy these problems. Giving specific examples of justifications that are permissible can reduce ambiguity. By categorising delays into three classes minor, moderate, and significant, it becomes possible to provide gradational inspection with proportionate prevention, more stringent for longer delays. Tightening the standards for proof, like requiring government announcements or medical certifications, would discourage frivolous claims. Government bodies will have to ensure that

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<sup>47</sup> Law Commission of India, Report No. 245: Arrears and Backlog – Creating Additional Judicial (Wo)manpower (2014)

closer scrutiny will be applied, by demanding detailed affidavits; this process will be spearheaded in advance to either ensure or reduce chances of delay.

Training for a judge should enjoy a centralized database of precedents to ensure a perfect application of theory. Other initiatives for enhancing efficiency and accountability include deadlines for the submission of applications for condonation and the monitoring of repeat violators. In summary, while a condonation of delay may very well continue to perform a pivotal function in ensuring the dispensation of justice in a way that means something, it must be complemented by accountability and procedural discipline, with efficiency retaining its critical importance.