

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).24138/2018

MAM CHAND & ORS. ...PETITIONER(S)

VERSUS

THE STATE OF HARYANA & ANR. ...RESPONDENT(S)

With

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).18899/2020

SERVARY BEGUM (DEAD) ...PETITIONER(S)

VERSUS

THE STATE OF HARYANA & ANR. ...RESPONDENT(S)

O R D E R

Diary No(s).18899/2020

1. IA No.99392 of 2020 has been filed seeking Condonation of delay in filing SLP, IA No.99393 of 2020 - Application for Substitution of LRs of deceased Smt. Servary Begum who was appellant no.1 in the High Court, IA No.99394 of 2020 - Application for Condonation of Delay in filing Substitution of LRs and IA NO.99395 of 2020 - Application for Permission to file SLP.
2. Heard learned counsel for the petitioners.
3. The Special Leave Petition is arising out of the impugned

judgment dated 23.02.2012 passed by the High Court of Punjab & Haryana in R.F.A. No.1987 of 1996.

4. It appears that there is a delay of about 3026 days in preferring the present Special Leave Petition and there is a delay of 5602 days in bringing on record the LRs of the deceased Smt. Servary Begum, who was appellant No.1 in R.F.A. No.1987 of 1996, before the High Court.
5. Having regard to the gross delay in filing the application for bringing the legal heirs of the said appellant, who had already expired pending the appeal before the High Court, and to the fact that there is an unexplained gross delay in filing of the present Special Leave Petition, we are not inclined to condone the same.
6. It is true that the word 'sufficient cause' should be given liberal construction to see that substantial justice is done but only so long as negligence or inaction or lack of bonafide is not imputed to the parties concerned. In this regard, it is worth reproducing a very pertinent observations of this Court in *Basawaraj and Another vs. Special Land Acquisition Officer*, (2013) 14 SCC 81.

"13. The statute of limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale. According to *Halsbury's Laws of England*, Vol. 28, p. 266:

"605. *Policy of the Limitation Acts.* –The courts have expressed at least three

differing reasons supporting the existence of statutes of limitations namely, (1) that long dormant claims have more of cruelty than justice in them, (2) that a defendant might have lost the evidence to disprove a stale claim, and (3) that persons with good causes of actions should pursue them with reasonable diligence."

An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence or laches. (See *Popat and Kotecha Property v. SBI Staff Assn.* [(2005) 7 SCC 510] , *Rajender Singh v. Santa Singh* [(1973) 2 SCC 705 : AIR 1973 SC 2537] and *Pundlik Jalam Patil v. Jalgaon Medium Project* [(2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907]."

"14. In *P. Ramachandra Rao v. State of Karnataka* [(2002) 4 SCC 578 : 2002 SCC (Cri) 830 : AIR 2002 SC 1856] this Court held that judicially engrafting principles of limitation amounts to legislating and would fly in the face of law laid down by the Constitution Bench in *Abdul Rehman Antulay v. R.S. Nayak* [(1992) 1 SCC 225 : 1992 SCC (Cri) 93 : AIR 1992 SC 1701]."

"15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive,

there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.”

7. In view of the above legal position, the Special Leave Petition alongwith all the I.As. are dismissed.

**Diary No(s).24138/2018**

1. There is a delay of 2233 days.
2. Let the learned counsel for the petitioners file an affidavit stating that all the petitioners are alive as on today.
3. List after four weeks.

.....J  
(BELA M. TRIVEDI)

.....J  
(PANKAJ MITHAL)

**NEW DELHI**  
**01<sup>st</sup> February, 2024.**

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGSSPECIAL LEAVE PETITION (CIVIL) Diary No(s).24138/2018

(Arising out of impugned final judgment and order dated 23-02-2012 in RFA No.5528/2009 and RFA No.5533/2009 passed by the High Court of Punjab & Haryana at Chandigarh)

MAM CHAND &amp; ORS.

Petitioner(s)

VERSUS

THE STATE OF HARYANA &amp; ANR.

Respondent(s)

(IA No. 99198/2018 - CONDONATION OF DELAY IN FILING)

WITH

Diary No(s). 18899/2020 (IV-B)

(IA No.99393/2020 - APPLICATION FOR SUBSTITUTION, IA No.99392/2020 - CONDONATION OF DELAY IN FILING, IA No.99394/2020 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. AND IA No. 99395/2020 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 01-02-2024 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE BELA M. TRIVEDI  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Ashok Kumar Singh, AOR

Mr. Somvir Singh Deswal, Adv.  
Mr. Manoj Kumar, Adv.  
Ms. Amit Kumari S., Adv.  
Mr. Kuldeep Singh B., Adv.  
Mr. Diwan Singh Chauhan, Adv.  
Mr. Nischal Kumar Neeraj, AOR

For Respondent(s) Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following  
O R D E RDiary No(s).18899/2020

1. In terms of the signed order, the Special leave Petition alongwith all the I.As are dismissed.

Diary No(s).24138/2018

1. There is a delay of 2233 days.
2. Let the learned counsel for the petitioners file an affidavit stating that all the petitioners are alive as on today.
3. List after four weeks.

(RAVI ARORA)  
COURT MASTER (SH)

(MAMTA RAWAT)  
COURT MASTER (NSH)

(signed order is placed on the file)