



1

WA-2510-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

&amp;

HON'BLE SHRI JUSTICE PUSHPENDRA YADAV

ON THE 4<sup>th</sup> OF NOVEMBER, 2025WRIT APPEAL No. 2510 of 2025*THE STATE OF MADHYA PRADESH AND OTHERS**Versus**HRIDYESH DUBEY*

.....  
Appearance:

*Mr. Ankur Mody - A.A.G. for appellants / State.*

*Mr. Mahendra Pratap Singh Raghuwanshi - Senior Advocate, assisted  
by Mr. Manish Gurjar - Advocate for respondent.*

.....

ORDER

*Per. Justice Gurpal Singh Ahluwalia*

Heard on I.A. No. 11744/2025, an application under Section 5 of Limitation Act.

2. It is the case of appellants that against the impugned order dated 3.4.2024, which was uploaded on the website of High Court on 16.5.2024, a letter for tendering legal opinion was received at the Office of Additional Advocate General on 24.10.2024, and legal opinion was given on 15.1.2025. The delay in tendering of legal opinion took place because O.I.C. of the case had not responded to certain queries which were raised by the government advocate before giving his legal opinion. Thereafter, the matter was forwarded to the sanctioning authority and permission for sanction was



granted on 22.5.2025, and writ appeal has been filed on 25.8.2025. Thus, it is submitted that there is a sufficient cause for not filing this appeal within the period of limitation, and accordingly, it is prayed that the delay in filing this appeal may be condoned.

3. Heard learned counsel for appellants/State.

4. The Supreme Court in the case of **State of Madhya Pradesh vs. Ramkumar Choudhary** decided on 29.11.2024 in SLP (C) Diary No. 48636/2024, has held that the State Government must take action against their erring officers and must punish them who are found responsible for not filing appeals within a period of limitation. The present application is completely silent on this aspect.

The Supreme Court in the case of **Shivamma (Dead) by LRs vs. Karnataka Housing Board and Others**, decided on 12.9.2025 in Civil Appeal No. 11794/2025, has held as under:

"261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and Special Leave Petition (C) No. 10704 of 2019 Page 168 of 170 laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable



orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law."

5. If the averments raised by appellants in the present application are considered, then it clearly shows the lethargic attitude on the part of the State authorities. This Court is repeatedly passing orders thereby asking the heads of departments to show as to what action they have taken against erring officers, and in some cases, even false replies were filed by senior officers that action is being proposed against the erring officers, and later on, it was found that no action was taken at all.

6. In the present application for condonation of delay also, there is no whisper on the part of the State which may suggest that they are serious about towards the lethargic and hostile attitude of their own officers. Thus, it is clear that the State authorities are not ready to mend their ways, and the senior officers are encouraging the O.I.Cs. to show lethargic attitude by not taking any action against them.

7. Under these circumstances, this Court is of considered opinion that since the State cannot be treated as a special or privileged litigant,



accordingly, no case is made out for condonation of delay of more than 400 days.

**8. Accordingly, I.A. No.11744/2025 is rejected.**

9. As a consequence thereof, the writ appeal, filed against the order dated 3.4.2024 passed in W.P. No. 1872/2013, is also **dismissed** as barred by time.

**(G. S. AHLUWALIA)**  
**JUDGE**

**(PUSHPENDRA YADAV)**  
**JUDGE**

AKS