Order reserved on 07-05-2026
Order pronounced on 15-06-2026
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HONOURABLE SRI JUSTICE V.GOPALA KRISHNA RAO

I.A.No. 2 OF 2026
IN/AND
REVIEW I.A.No. 1 OF 2026
IN
TRANSFER C.M.P.No. 3 OF 2025

COMMON ORDER:

I.A.No. 2 of 2026 is filed by the petitioner-revision petitioner with a prayer to condone the delay of 146 days in filing Review I.A.No. 1 of 2026. I.A.No. 1 of 2026 is filed seeking to review the order dated 04-08-2025 passed by this Court in Transfer Civil Miscellaneous Petition No. 3 of 2025.

2. Case of the review petitioner-husband in brief is as follows:

After passing the order dated 04-08-2025 in Transfer C.M.P.No. 3 of 2025, the review petitioner had been undergoing severe mental stress, emotional disturbance and anxiety on account of the troubled matrimonial life, pending litigations and the consequences arising out of the transfer order. Continuous disputes, separation from my wife, criminal and matrimonial proceedings and serious apprehension regarding his safety and future have taken a heavy toll on his mental condition. He has been mentally disturbed and emotionally overwhelmed, due to which he was not in a proper frame of mind to immediately approach his counsel and take timely legal steps. Combined effect of his mental condition, emotional agony, disturbed family life and financial hardship prevented him from promptly approaching his counsel and giving instructions for filing the present review petition. The delay is *bona*

fide, unintentional and not due to negligence or lack of diligence. No prejudice would be caused to the respondent if the delay is condoned.

3. Case of the respondent-wife in brief is as follows:

The respondent-wife filed Transfer C.M.P.No. 3 of 2025 before this Court seeking to transfer H.M.O.P.No. 113 of 2023 from the file of the Court of learned Senior Civil Judge, Piler, to the file of the Court of learned Senior Civil Judge, Proddatur. By order dated 04-08-2025, this Court allowed the above Transfer C.M.P. and transferred H.M.O.P.No. 113 of 2023 from the file of the Court of learned Senior Civil Judge, Piler, to the file of the Court of learned Senior Civil Judge, Proddatur. The respondent in Transfer C.M.P. *i.e.* the husband has filed the present review petition with a delay of 146 days. As per Section 114 read with Order XLVII Rule of the Code of Civil Procedure, 1908, a review can be sought on discovery of new and important evidence not produced earlier, error apparent on the face of the record, non-consideration of material facts or pleadings or for any other sufficient reason in the interest of justice. It is a well settled principle that a review petition cannot be used to re-agitate the issues which have already been considered and decided. The review petition is filed with a delay of 146 days and such delay cannot be condoned in the absence of sufficient cause. She therefore prays to dismiss the review petition.

4. Heard Sri Venkatesh B.Reddy, learned counsel, representing M/s. VMR Legal, appearing on behalf of the review petitioner-husband and Sri Bugulu Sreeteja, learned counsel appearing on behalf of the respondent-wife.

5. Now, the point for determination is

"Whether the review petitioner has shown any sufficient cause to condone the delay of 146 days in filing the review petition?"

6. The undisputed facts are that the petitioner is none other than the husband of the respondent and they are not residing together. The petitioner herein filed H.M.O.P.No. 113 of 2023 on the file of the Court of learned Senior Civil Judge, Piler, under Section 13 (1) (ia) of the Hindu Marriage Act, 1955, seeking dissolution of the marriage. The respondent herein filed Transfer C.M.P.No. 3 of 2025 before this Court seeking transfer of H.M.O.P.No. 113 of 2023 from the file of the Court of learned Senior Civil Judge, Piler, to the file of the Court of learned Senior Civil Judge, Proddatur. On hearing both sides, this Court allowed Transfer Civil Miscellaneous Petition No. 3 of 2025 by order dated 04-08-2025. The petitioner herein filed review petition with a delay of 146 days in filing the review petition.

7. The contention of the petitioner herein is that after passing the order in Transfer C.M.P., he had been undergoing severe mental stress, emotional disturbance and anxiety on account of troubled matrimonial life. The another contention raised by the petitioner herein is that the combined effect of mental condition, emotional agony, disturbed family life and financial hardship prevented him from promptly approaching his counsel and giving instructions for filing the present review petition.

8. The marriage between the petitioner and the respondent took place on 12-12-2018 and disputes arose between both the parties in the year 2023. A criminal case was registered against the petitioner herein in the year 2023 and the petitioner filed a divorce case against the respondent herein in the year 2023 and the transfer petition is filed by the respondent herein seeking to transfer the divorce case *vide* H.M.O.P.No. 113 of 2023 filed by the petitioner herein from the file of the Court of learned Senior Civil Judge, Piler, to the file of the Court of learned Senior Civil Judge, Proddatur. As noticed *supra*, the Transfer C.M.P. was allowed on merits on 04-08-2025. The petitioner has not filed the review petition within the period of limitation *i.e.* within 30 days and the petitioner filed the review petition with an abnormal delay of 146 days. It is not the case of the petitioner that after disposal of Transfer C.M.P. on 04-08-2025 till the date of filing of the review petition *i.e.* on 27-01-2026, he suffered mental agony and he suffered financial hardship. Admittedly, no *prima facie* material has been placed by the petitioner showing that after disposal of the Transfer C.M.P. on merits, he suffered several problems including financial hardship and that he could not approach his counsel for giving instructions for filing review petition.

9. Learned counsel appearing for the petitioner has placed reliance on ***Preeti Sharma Vs. Manjit Sharma***[1]; ***Smt. Sushmitha B L @ Uma Vs. Sri Raghavendra B R***[2]; and ***Vaibhavi Rajendra Chalke Vs. Rajendra Ganpat***

[1] (2005) 11 SCC 535
[2] 2025 : KHC : 263

Chalke[3]. The facts in the aforesaid case laws are no way connected either to the delay condonation application or review application filed by the petitioner to review the order which was passed on merits in Transfer C.M.P. It is well settled that under the guise of review, the review petitioner cannot be permitted to re-agitate or re-argue the questions which have already been addressed and decided. It is also well settled that the scope of review is very limited and in exercise of review jurisdiction, neither the Court can sit in appeal nor it is open for the review petitioner to re-agitate or re-argue the questions which have already been addressed and decided by this Court.

10. In ***Pathapati Subba Reddy (Died) by L.Rs. and Others Vs. The Special Deputy Collector (LA)***[4], the Apex Court held as follows:

> *On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that*
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> *(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;*
>
> *(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;*
>
> *(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;*
>
> *(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind*

[3] BHC – AS 1231 – DB
[4] MANU/SC/0285/2024

but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

(v) 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;

(vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

(vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision."

11. In ***Basawaraj and others Vs. The Special Land Acquisition Officer***[5], the Apex Court held in para Nos. 9 and 15 as follows:

"9. Sufficient cause is the cause for which defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the view point of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". However, the facts and circumstances of each

[5] MANU/SC/0850/2013

case must afford sufficient ground to enable the Court concerned to exercise discretion for the reason that whenever the Court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose."

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 bonafide 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."

12. In ***Mahant Bikram Dass Chela Vs. Financial Commissioner, Revenue, Punjab, Chandigarh and Others***[6], the Apex Court held as follows:

"Section 5 of the Limitation Act is a hard task-matter and judicial interpretation has encased it within a narrow compass. A large measure of case-law has grown around s. 5, its highlights being that one ought not easily to take away a right which has accrued to a party by lapse of time and that therefore a

[6] MANU/SC/0019/1977

litigant who is not vigilant about his rights must explain every day's delay. These and similar considerations which influence the decision of S. 5 applications are out of place in cases where the appeal itself is preferred within the period of limitation but there is an irregularity in presenting it. Thus, in the instant case, there was no occasion to invoke the provisions of s. 5, Limitation Act, or of rule 4, Chapter 1, of the High Court Rules. If the Division Bench were, aware that rifle, 3 of Chapter 2-C is directory, it would have treated the appeal as having been filed within the period of limitation, rendering it inapposite to consider whether the delay caused in filing the appeal could be condoned."

13. As noticed *supra*, the law is well settled that review petition has to be filed within the stipulated period prescribed under the law. Belated reviews can be condoned if sufficient reason is shown before this Court for the delay. The review petitioner, who seeks to condone the delay, must explain the delay of each day. The Courts should not be pedantic in their approach while condoning the delay and explanation of each day's delay should not be taken liberally but the fact remains that there must be a reasonable explanation for the delay.

14. Considering the ratio laid down in the aforesaid case laws and considering the facts and circumstances of the case, I am of the considered view that the expression "sufficient cause", as occurring in Section 5 of the Limitation Act, cannot be liberally interpreted if negligence, inaction or lack of *bona fides* is in favour of the petitioner. In the present case, there are several laches on the part of the petitioner and there is gross negligence and inaction in pursuing the matter. In such circumstances, the inordinate delay of 146 days cannot be condoned liberally.

15. For the aforesaid reasons, there are no merits in I.A.No. 2 of 2026. Resultantly, I.A.No. 2 of 2026 is dismissed. Since I.A.No. 2 of 2026 to condone the delay of 146 days, under Section 5 of the Limitation Act, in filing the review application is dismissed, review application *vide* I.A.No. 1 of 2026 is liable to be rejected and is accordingly rejected. Pending miscellaneous applications, if any, shall stand dismissed in consequence. No costs.

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V. GOPALA KRISHNA RAO, J.

Date: 15.06.2026

JSK

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DATE: 15TH JUNE, 2026

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