

Limitation Act, Section 5 - Court observed that they were not inclined to hold that the delay in presenting the application (the substantive matter) deserves to be condoned on the facts and circumstances of the case - It is not at all a fit case where in the anxiety to render justice to a party so that a just cause is not defeated, a pragmatic view should be taken by the Court in considering the sufficient cause for condonation of delay under Section 5 of the Limitation Act - The contention, that the ignoble plea of bar of limitation sought to be raised by the respondent should not be taken into consideration in order that the just claim of the appellant should not be defeated, emphatically negative - It may not be desirable for a Government or a public authority to take shelter under the plea of bar of limitation to defeat a just claim of a citizen; but if a claim is barred by limitation and such plea is raised specifically, the Court cannot straightway dismiss the plea simply on the score that such a plea is ignoble - A bar of limitation may be considered even if such plea has not been specifically raised - The principles that the Limitation Act is a statute of repose and a bar to a cause of action in a Court of law which is otherwise lawful and valid, because of undesirable lapse of time as contained in the Limitation Act, has been laid down on well accepted principles of jurisprudence and public policy.

[1992 PLRonline 0002](#)