



Limitation - Justifiably advocated adoption of liberal approach in condoning the delay of short duration and a stricter approach where the delay is inordinate

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Limitation Act S. 5, Sufficient Cause - Limitation

The courts are bestowed with the power to condone the delay, if sufficient cause is shown for not availing the remedy within the stipulated time.

A two-Judge Bench of has observed that the law of limitation is founded on public policy. The legislature does not prescribe limitation with the object of destroying the rights of the parties but to ensure that they do not resort to dilatory tactics and seek remedy without delay. The idea is that every legal remedy must be kept alive for a period fixed by the legislature. To put it differently, the law of limitation prescribes a period within which legal remedy can be availed for redress of the legal injury. At the same time, the courts are bestowed with the power to condone the delay, if sufficient cause is shown for not availing the remedy within the stipulated time. Thereafter, the learned Judges proceeded to state that the Supreme Court has justifiably advocated adoption of liberal approach in condoning the delay of short duration and a stricter approach where the delay is inordinate.

Oriental Aroma Chemical Industries Limited v. Gujarat Industrial Development Corporation, [(2010) 5 SCC 459]

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