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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Judgment Reserved on: 21.08.2026*
Judgment pronounced on: 31.08.2026

CNR No. DLHC010422322025

+ CRL.A. 958/2025 and CRL.M.As. 19746/2025, 19748/2025,
CRL.M.A. 38197/2025 & CRL.M.A. 25887/2026

APEEJAY SCHOOL, SAKETAppellant
Through: None.

Versus

NAYA SAMAJ PARENTS ASSOCIATION AND ORS.
.....Respondents
Through: Mr. Khagesh B. Jha, Ms. Shikha
Sharma Bagga and Ms. Shivani,
Advocates.

CORAM:
HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. This appeal has been filed under Section 101(5) read with Section 103(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (the JJ Act) by the respondent/school in Crl. Appeal No. 283/2024 on the file of the ASJ-06 (POCSO



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Act), South East district, Saket Court, New Delhi, aggrieved by the order dated 25.06.2025 by which the application for condonation of delay of 125 days in filing the appeal was allowed. The said appeal was filed against the order dated 05.03.2024 in Complaint bearing no.CWC/LN/2023-24/1016 on the file of the Child Welfare Committee, District-South (the CWC).

2. Complaint bearing no. CWC/LN/2023-24/1016 was filed on 23.02.2024 by some students of the appellant/school under Section 29 (2) of the JJ Act. As per complaint, the school subjected fee defaulting students to discriminatory treatment during the annual examination. The students were segregated from other students, sent to the auditorium, threatened that they would not be permitted to appear for NEET exam, and denied official answer sheets and were made to use pages from notebooks as answer sheet. It was also alleged that 20 to 30



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minutes was reduced from the stipulated two hour examination duration, while the first half hour was spent in lectures and intimidation. The school also confiscated the question papers and answer sheets. The students claimed severe trauma and fear regarding their academic future. The CWC *vide* order dated 05.03.2024 held that on 04.03.2024, the parents appearing before the CWC confirmed that the children were thereafter permitted to appear for their examinations and hence dismissed the complaint as no further intervention was required in the matter. Aggrieved by the said order, the students filed Criminal Appeal no. 283/2024 along with an application to condone the delay of 125 days in filing the appeal. The appellate court accepted the reasons given in the application for condonation of delay and held that the appeal had, in fact, been filed within the statutorily prescribed period of 30 days. Aggrieved, the present



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appeal has been preferred by the school, the respondent in the aforesaid Complaint.

3. In the appeal memorandum, it is *inter alia* contended that the appellate court erred in condoning the delay without applying the statutory test provided in the proviso to Section 101(1) of the JJ Act, which permits an appeal to be filed after thirty days upon satisfaction that the appellant was prevented by sufficient cause from filing the appeal within time. The appellate court failed to determine the actual period of delay, which, as per the dates relied upon by the parties, is 148 days, although condonation of only 125 days was sought, leaving 23 days unexplained. Even assuming that the appellants therein acquired knowledge of the order dated 05.03.2024 only on 02.08.2024, they filed the appeal only on 30.08.2024, despite having their affidavits verified on 06.08.2024, and have furnished no explanation for the intervening period. It was further contended



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that the appellate court failed to properly evaluate the explanation given by the appellants therein in the light of the contemporaneous record, particularly the grievance status dated 20.06.2024 filed by one of the parents, wherein their knowledge of the disposal of the complaint was recorded, which materially contradicts the assertion that they came to know of the order only on 02.08.2024.

4. When the appeal was taken up for hearing, there was no representation for the appellant/School. As per order dated 11.07.2025, the sessions court has been directed not to proceed with the appeal. On 09.12.2025, the interim order was directed to be continued. Thereafter, the appeal came up for hearing on several dates. However, the appellant was not ready to argue the matter. The stay order continued despite the objection raised by the respondents herein. Hence, in these circumstances, this court is not inclined to continue the interim stay granted or adjourn the



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appeal. In the light of the dictum in **Bani Singh & Ors. v. State of U.P., (1996) 4 SCC 720**, this Court is proceeding to consider the matter on merits after going through the entire records in this case.

5. The learned counsel appearing for the respondents herein submitted that there is no infirmity in the impugned judgment calling for an interference by this Court.

6. Heard both sides and perused the records.

7. The only point that arises for consideration in the present appeal is whether there is any infirmity in the impugned judgement calling for interference by this Court.

8. The proviso to Section 101 of the JJ Act confers upon the appellate court, the power to entertain an appeal even after the expiry of the prescribed period of thirty days, provided the appellant satisfies the Court that he or she was prevented by sufficient cause from preferring the appeal within the stipulated



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period. The primary issue that, therefore, arises for determination in the present matter is whether the respondents herein had demonstrated sufficient cause so as to condone the delay occasioned in preferring the appeal beyond the statutorily prescribed period of thirty days.

9. The Apex Court, in **Maniben Devraj Shah v. Municipal Corpn. of Brihan Mumbai**, (2012) 5 SCC 157, while elucidating the expression “*sufficient cause*”, held that even though a liberal and justice-oriented approach is required to be adopted in the exercise of power under Section 5 of the Limitation Act and other similar statutes, the courts can neither become oblivious of the fact that the successful litigant has acquired certain rights on the basis of the judgment under challenge and a lot of time is consumed at various stages of litigation apart from the cost. What colour the expression “*sufficient cause*” would get in the factual matrix of a given case



would largely depend on *bona fide* nature of the explanation. If the court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack *bona fides*, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay.

10. Coming to the case on hand, the order was passed by the CWC on 05.03.2024. A perusal of the materials on record reveal that the copy of the order was received by the respondents herein on 02.08.2024, the affidavits along with the appeal were executed by the parties on 06.08.2024, and the appeal was thereafter filed through the e-portal on 14.08.2024. The appeal was received by the appellate court on 31.08.2024. The reason stated by the respondents herein for the delay is that, despite



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their best efforts, they did not receive a copy of the order dated 05.03.2024 passed by the CWC within a reasonable time. According to them, they came to know of and obtained a copy of the said order only through the reply furnished by the appellant/school to the DCPCR on 07.06.2024. In the said reply, particularly para no. 1, the appellant/school stated that the matter had been closed by the CWC *vide* order dated 05.03.2024 and enclosed a copy of the said order.

11. The appellant herein contends that 02.08.2024 cannot be treated as the date from which the period for limitation commenced, as the respondents were well aware of the disposal of the complaint by the CWC *vide* order dated 05.03.2024 even prior thereto. In support of this contention, reliance has been placed upon the grievance status wherein, on 20.06.2024, one Harish Chaudhary, a parent of one of the students, made a remark under the heading “Citizen Remarks”, thus: “*Application*



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disposed of without providing the final order or action taken report. Interim order attached which was provided by me during complaint filed. Please open the case again.” According to the appellant/school, the aforesaid remark demonstrates that the respondents were well aware, at least by 20.06.2024, that the complaint before the CWC had been disposed of. It was, therefore, contended that the respondents could not claim 02.08.2024 as the date of knowledge for computing the period of limitation.

12. Here it would be pertinent to refer to the dictum in **D. Saibaba v. Bar Council of India, (2003) 6 SCC 186** wherein it has been held by the Apex court, that the words “*the date of that order*”, mean and must be construed as meaning the date of communication or knowledge, actual or constructive, of the order sought to be reviewed. This is so because an order may be passed without the knowledge of anyone except its author. It



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may be kept in the file and consigned to the record room or the file may lie unattended, unwittingly or by carelessness. In either case, the remedy against the order would be lost by limitation though the person aggrieved or affected does not even know what order has been passed. Such an interpretation cannot be countenanced. A person aggrieved cannot be expected to exercise the right of review conferred by the provision unless the order is communicated to or is known to him either actually or constructively.

13. The remark made by one of the parents under the heading “Citizen Remarks” would only show that he was aware of the disposal of the complaint by the CWC *vide* order dated 05.03.2024. Mere knowledge of the factum of disposal, however, cannot be equated with receipt or knowledge of the contents of the order itself. The said remark does not, in any manner, establish that the respondents herein were furnished



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with or had actually received a copy of the order dated 05.03.2024. In the absence of any material demonstrating such receipt or communication of the order by them, the said grievance status cannot, by itself, be treated as proof of their knowledge of the order for the purpose of computing limitation. In addition to that, the appellant herein has failed to show any material(s) establishing the order dated 05.03.2024 of the CWC was served on the respondents much earlier.

14. Further, according to the appellant, 31.08.2024 is the date on which the appeal was filed before the Sessions Court, though the respondents received the order on 02.08.2024. Hence, there is an unexplained delay of 23 days. This contention is also without merit as the impugned order says that the appeal was filed through e-portal on 14.08.2024 and was received by the Court on 31.08.2024.



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15. In the aforesaid circumstances, I find no infirmity in the impugned order calling for an interference by this Court.

16. In the result, the appeal *sans* merit, stands dismissed.

17. Application(s), if any, pending, shall also stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

AUGUST 31, 2026
rs/p'ma