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**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

FIRST APPEAL FROM ORDER DEFECTIVE No. - 174 of 2018

Tata A.I.G. General Insurance Company
Ltd.Through Manager

.....Appellant(s)

Versus

Motor Accident Claims Tribunal/A.D.J.Sultanpur
And Ors.

.....Respondent(s)

Counsel for Appellant(s)	: Nishant Shukla, Anchal Mishra, Taranjeet Singh Makker
Counsel for Respondent(s)	: Jayshanker Shukla

Court No. - 19

HON'BLE PRASHANT KUMAR, J.

(C.M. Application No.27625 of 2018)

1. Heard learned counsel for the appellant and perused the record.
2. The present belated appeal has been filed against the impugned judgment and award dated 22.03.2017 passed by the Motor Accident Claims Tribunal, Sultanpur in Claim Petition No.330 of 2015 (Smt. Prema Devi and others vs. Manager, Tata AIG General Insurance Co. Ltd. and others) whereby claimants have been awarded a compensation of Rs.4,52,000/- along with interest.
3. Learned counsel for the appellant submits that there is some delay in filing the instant appeal and the reason for delay has been given that the impugned award was passed on 22.03.2017 and there is a process in the company for filing the appeal, which took reasonable period of time.
4. In view of the above, it appears that the instant appeal has been filed with a delay of 8 months 11 days and the reasons shown for the delay are purely a bureaucratic set-up at the end of the appellant.
5. Before proceeding further in the matter, this Court deems it appropriate to deal with the various judgments passed by Hon'ble Supreme Court on this issue.
6. The Hon'ble Supreme Court as far back in 1962 in ***Ramlal v. Rewa Coalfields Ltd., AIR 1962 SC 361***, has emphasised that even after sufficient cause has been shown by a party for not filing an appeal within

time, the said party is not entitled to the condonation of delay as excusing the delay is the discretionary jurisdiction vested with the court. The court, despite establishment of a “sufficient cause” for various reasons, may refuse to condone the delay depending upon the *bona fides* of the party. The relevant extract is as follow :-

“12. It is, however, necessary to emphasise that even after sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the court by Section 5. If sufficient cause is not proved nothing further has to be done; the application for condoning delay has to be dismissed on that ground alone.”

(emphasis added)

7. This Court has to see the sufficient 'explanation' for condonation of delay and not the 'excuses' for condoning the delay as held by the Hon'ble Supreme Court in the case of ***Sheo Raj Singh & Others Vs. Union of India and Another; (2023) 10 SCC 531***. The relevant paragraphs 31 and 32 are extracted here-in-below:-

"31. Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an "explanation" and an "excuse". An "explanation" is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. Care must, however, be taken to distinguish an "explanation" from an "excuse". Although people tend to see "explanation" and "excuse" as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real.

32. An "excuse" is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an "excuse" would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. At this stage, we cannot but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to

ensure that a meritorious claim does not reach the higher courts for adjudication."

(emphasis added)

8. Hon'ble Supreme Court in the matter of **Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu, (2014) 4 SCC 108**, had held that the doctrine of delay and laches should not be lightly brushed aside. It is the duty of the court to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinize whether the lis at a belated stage should be entertained or not. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.

9. Hon'ble Supreme Court in the matter of **Union of India and Another V. Jahangir Byramji Jeejeebhoy(D) Through His Lr; Civil Appeal No. of 2024 (arising out of S.L.P. (Civil) No. 21096 of 2019); 2024 SCC OnLine SC 489** has held as under :-

"27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

(emphasis added)

10. On a harmonious consideration of the provisions of law the Hon'ble Supreme Court in the matter of **Pathapati Subba Reddy v. Collector (LA) , (2024) 12 SCC 336** , has held as follow :-

"28. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

- (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 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.”

(emphasis added)

11. It is crystal clear that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case and that, the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bona fides is attributed to the party.

12. In a plethora of judgments, the Hon'ble Supreme Court has held that delay cannot be condoned as a matter of generosity. Rendering substantial justice does not mean causing prejudice to the respondents. In the present case, the appellants have failed to establish that they were reasonably diligent in pursuing the matter and, therefore, the valid test for condonation of delay is not satisfied.

13. The appellant being an insurance company, is equipped with a dedicated legal set-up, trained law officers, and panel advocates who are fully conversant with statutory requirements, procedural steps and limitation periods applicable to such claim petitions. Such an entity is expected to act with due diligence and within the time prescribed by law.

Internal administrative procedures, movement of files, or departmental processing cannot constitute "sufficient cause" for delay.

14. Institutional inefficiency, red-tapism, or routine procedural delays are not valid grounds for condonation of delay. Accordingly, when an insurance company fails to act within limitation despite having adequate infrastructure and professional legal assistance, the plea of departmental delay does not justify condonation. The burden lies heavily on such institutional or departmental litigants to show bonafide and unavoidable circumstances otherwise delay cannot be condoned.

15. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law. In the instant appeals the delay seems to be because of gross negligence and deliberate inaction and hence no liberal concession can be extended to the appellant.

16. In view of above, the delay can only be condoned if sufficient ground is shown for condonation of delay. However, the appellant has failed to show any sufficient cause for condonation of such a long delay. He has even failed to disclose as to who was the person on whose shoulder he has put the burden of such a long delay and here the appellant being the Company has proper machinery to deal with court cases, therefore, the grounds shown by the appellant are nothing but seems to be a concocted story, only to get the delay condoned in the matter of claim, therefore, the application for condonation of delay is misconceived and liable to be dismissed.

17. The application for condonation of delay suffers from delay and laches and therefore, the same is **rejected**.

18. In view of the above, the instant appeal suffers from delay and laches and consequently, the appeal is **dismissed**.

December 16, 2025

Saurabh Yadav/-

(Prashant Kumar,J.)