



CNR: KAHC010051952024

NC: 2026:KHC:53300
MFA No. 326 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 326 OF 2024 (MV-D)

BETWEEN:

1. MANJEGOWDA,
S/O MULLEGOWDA,
AGED ABOUT 53 YEARS,
2. PUTTANAMMA,
W/O MANJEGOWDA,
AGED ABOUT 48 YEARS,

THE APPELLANTS ARE
R/O HARUBIHALLI VILLAGE,
HALEBEEDU HOBLI,
BELURU TALUK,
HASSAN DISTRICT,
NOW R/AT JAKKAVALLIKOPPALLU,
KASABA HOBLI,
H.N. PURA TALUK,
HASSAN DISTRICT - 573 211.

...APPELLANTS

(BY SRI. SYED AKBAR PASHA., ADVOCATE)

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AND:

1. R. PRAKASH,
S/O RAMAIAH,
AGED 42 YEARS,
(DRIVER OF BUS),
R/O TUVANURU VILLAGE,
CHITRADURGA DISTRICT,
NOW WORKING AT
SAKALESH PURA DEPO,
HASSAN DISTRICT - 573 127.

2. DIVISIONAL CONTROLLER,
KSRTC CHIKKAMAGALURU DEPO,
CHIKKAMAGALURU - 577 101.

...RESPONDENTS

(BY SMT.B.P.RADHA, ADVOCATE FOR R2;
NOTICE TO R1 IS D/W V/O DATED 05.03.2024)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 12.09.2014 PASSED IN MVC
NO.977/2013 ON THE FILE OF THE SENIOR CIVIL JUDGE AND
JMFC, HOLENARASIPURA, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT
OF COMPENSATION.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE GEETHA K.B.

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ORAL JUDGMENT

This is the appeal filed under Section 173(1) of the Motor Vehicles Act, 1988 (for short 'M.V. Act') by the claimants being dissatisfied with the compensation awarded in the judgment and award dated 12.09.2014 passed in MVC No.977/2013 on the file of Senior Civil Judge & MACT at Holenarasipur (for short 'Tribunal')

2. Parties are referred to by their respective ranks before the Tribunal for the sake of convenience and clarity.

3. This appeal has been filed by the claimants along with an application I.A. No.1/2024 under Section 5 of the Limitation Act seeking to condone the delay of 2615 days in filing the appeal.

4. In the affidavit annexed to I.A. No.1/2024, appellant No.1 has stated on behalf of him and on behalf of appellant No.2, that they were under the shock due to the accidental death of their beloved son and appellant No.2 had been to depression and there were some health complications;

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they were unable to concentrate towards the legal issues or Court cases and they were uneducated persons working as labourers lived in a village and there were no one in their family to guide them; the trial Court advocate has not informed them about their right to file the appeal. Only one of their relatives visited their house and advised to file the appeal. Then, she obtained the certified copy and contacted the person and then filed the appeal. Hence, there is delay in filing the appeal.

5. Learned counsel for respondent No.2 filed objections to I.A. No.1/2024, stating that there is an inordinate delay of 7 years in filing the appeal, making it wholly misconceived, untenable in law and liable to be dismissed. The appellants have failed to establish "sufficient cause" as required under Section 5 of Limitation Act. The reasons stated in the affidavit are vague, omnibus and bereft of material particulars and as such an inordinate delay cannot be condoned in a simple manner. Furthermore, the affidavit of appellant No.1 is conspicuously silent regarding chronological sequence of events during intervening period of 7 years.

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6. In this regard, respondents placed reliance of some judgments of Hon'ble Apex Court and thus pray for dismissal of I.A. No.1/2024 with exemplary costs.

7. Heard arguments of both sides on I.A. No.1/2024.

8. From the above facts, the points that arise for consideration is:

1) Whether the appellants have established sufficient cause to condone the delay in filing the appeal?

9. Finding is in 'Negative', for the following,

REASONS

10. This appeal is filed by the dissatisfied claimants on compensation amount awarded in respect of death of their son in a road traffic accident that had taken place in the year 2012. They have filed the claim petition in the year 2013 and it was disposed of on 12.09.2014, granting compensation of Rs.3,00,000/- to the claimants. The claimants subsequently received the said compensation amount. However, they

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remained dormant for a period of 9 years and odd from 12.09.2014, till filing of appeal in 2024.

11. There is an inordinate delay of more than 9 years and odd in filing the appeal. The only reasons assigned for such inordinate delay is that the appellants were not aware about their right to file an appeal. The said contention cannot be accepted for the simple reason that they were represented by the counsel before the trial Court and they have received the compensation amount already granted by the Tribunal before the Tribunal long back.

12. In this regard, this Court relies upon the judgment of Hon'ble Apex Court in the case of ***Thirunagalingam vs. Lingeshwarn and another in Civil Appeal No..... of 2025 (arising out of SLP(C) No.17575 of 2023)***, the Hon'be Apex Court held as follows:-

"28. Since the Respondents assigned the very same reasons in I.A. No.1 of 2022 in Unnumbered A.S. No..... of 2022 as raised in I.A. Nos.462 of 2018 and 119 of 2019 that had already been dismissed by this Court vide S.L.P.(C) Nos.2054 & 2055 of 2022, the application for condonation of delay of 1116 days cannot be sustained.

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This Court in S.L.P.(C) Nos.2054 & 2055 of 2022, after going through the evidence placed on record, rightly held that the delay has not been properly explained. The relevant portion of the order is reproduced hereunder:

"5. We are in complete agreement with the view taken by the High Court. Once it was found even by the learned Trial Court that delay has not been properly explained, and even there are no merits in the application for condonation of delay, thereafter, the matter should rest there and the condonation of delay application was required to be dismissed. The approach adopted by the learned Trial Court that, even after finding that, in absence of any material evidence it cannot be said that the delay has been explained and that there are no merits in the application, still to condone the delay would be giving a premium to a person who fails to explain the delay and who is guilty of delay and laches. At this stage, the decision of this Court in the case of Popat Bahiru Goverdhane v. Land Acquisition Officer, reported in (2013) 10 SCC 765 is required to be referred to. In the said decision, it is observed and held that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but

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the Court has no choice but to enforce it giving full effect to the same.

5.1 In the case of Maniben Devraj Shah v. Municipal Corporation of Brihan Mumbai, (2012) 5 SCC 157, in paragraph 14, it is observed and held as under:

"The law of limitation is founded on public policy. The Limitation Act, 1963 has not been enacted with the object of destroying the rights of the parties but to ensure that they approach the Court for vindication of their rights without unreasonable delay. The idea underlying the concept of limitation is that every remedy should remain alive only till the expiry of the period fixed by the legislature. At the same time, the Courts are empowered to condone the delay provided that sufficient cause is shown by the applicant for not availing the remedy within the prescribed period of limitation."

6. In view of the above and for the reasons stated above, we are in complete agreement with the view taken by the High Court. The Special Leave Petitions stand dismissed.

Pending application, if any, also stands disposed of.

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29. xxxxx

30. xxxxx

31. xxxxx

32. *Further, this Court has repeatedly emphasised in several cases that delay should not be condoned merely as an act of generosity. The pursuit of substantial justice must not come at the cost of causing prejudice to the opposing party. In the present case, the respondents/defendants have failed to demonstrate reasonable grounds of delay in pursuing the matter, and this crucial requirement for condoning the delay remains unmet."*

13. This Court further places reliance on the judgment of Hon'ble Apex Court in the case of ***Pathapati Subba Reddy (Died) By L.Rs. & Ors. Vs The Special Deputy Collector (LA)*** reported in ***2024 INSC 286***, in the said case, by relying upon earlier judgments of Hon'ble Apex Court, finally it is concluded as under:

"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:

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28.1. 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;

28.2. 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;

28.3. 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;

28.4. 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;

28.5. 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;

28.6. 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;

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28.7. Merits of the case are not required to be considered in condoning the delay; and

28.8. 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.

29. xxxxx

30. xxxxx

31. XXXXX

32. The aforesaid decisions would not cut any ice as imposition of conditions are not warranted when sufficient cause has not been shown for condoning the delay. Secondly, delay is not liable to be condoned merely because some persons have been granted relief on the facts of their own case. Condonation of delay in such circumstances is in violation of the legislative intent or the express provision of the statute. Condoning of the delay merely for the reason that the claimants have been deprived of the interest for the delay without holding that they had made out a case for condoning the delay is not a correct approach, particularly when both the above decisions have been rendered in ignorance of the earlier pronouncement in Basawaraj."



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14. The Second judgment of Hon'ble Apex Court is in respect of land acquisition matters. Land Acquisition Act is also beneficial legislation. Even then, the Hon'ble Apex Court held that no Court would be justified in condoning such an inordinate delay by imposing any condition whatsoever. In first of the above cited judgments of Hon'ble Apex Court, the delay of 2615 days. However, Hon'ble Apex Court has not condoned the delay on the ground that no admissible reasons are furnished. It is clearly held that the appellants Courts must first ascertain the bonafides of the explanation offered by the party seeking condonation of delay and not the merits of the case.

15. The present case is under Motor Vehicle Compensation Act, which is also a beneficial legislation. Merely because the legislation is beneficial and designed to protect the appellants; inordinate delay of 9 years and odd cannot be condoned. The reasons assigned by the appellants are just a vague reasons and they are not supported by any cogent materials. Furthermore, the health issues of the appellants alleged in the affidavit is not supported by any medical prescription or documents. The utter shock alleged in the claim



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petition cannot be considered for about 12 years after the accident. Furthermore, the claimants approached their counsel and filed a claim petition in the year 2013 i.e., within one year of the accident. Now, they cannot say that they were under utter shock. Their plea of ignorance cannot be acceptable because they were represented by the counsel before the trial Court.

16. Hence, this Court holds that the inordinate delay of over 9 years and odd has not been satisfactorily explained by the appellants. Consequently, this Court passes the following,

ORDER

- (i) I.A. No.1/2024 filed by the appellants under Section 5 of the Limitation Act is dismissed.
- (ii) Consequently, the appeal is also dismissed as barred by limitation.

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**(GEETHA K.B.)
JUDGE**

LL
List No.: 1 Sl No.: 16