

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO No. 5974 of 2015 (O & M)

Date of decision: 18.01.2017

Sohan Lal Sharma @ Soran Lal Sharma (deceased) through L.R. Smt.
Chanderwati

....Appellant(s)

Versus

Sh. Lalit D. Aggarwal and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Rajiv Sharma, Advocate,
for the appellant.

G.S.SANDHAWALIA, J. (Oral)

The present appeal is filed against the award dated 28.10.2002 passed by the Commissioner under the Employee's Compensation Act, 1923. The appeal is delayed by as many as 4441 days since it was only filed in February, 2015. It is not disputed that Chanderwati was also a claimant before the Commissioner alongwith her husband. The averments made in the application for condonation of delay are that she is an old lady and after the death of her husband, she found the documents pertaining to the present case and, therefore, contacted the counsel and filed the appeal on being informed that it was permissible.

It is not disputed that the husband expired on 15.05.2014 and even during his lifetime, he had chosen not to agitate for the redressal of the legal grievances. The delay, in such circumstances, is not liable to be condoned as no sufficient cause as such has been shown to condone the inordinate delay of a period of almost 12 years. The right of the appellant, who is now stated to have died, had become barred on account of her own

act. It is settled principle that the law is for the vigilant and not for those who chose to sleep over their rights.

In the present case, as noticed, no sufficient cause as such has been shown which would persuade this Court to take a liberal view to entertain the appeal even though it arises on account of a death case as such whereby, the claimants were the parents of the deceased. The fact remains that both the parents have also now died as such and, therefore, no case as such is made out to condone the inordinate delay of over a decade.

Accordingly, the application for condonation of delay and the main appeal are dismissed being time barred.

All other C.Ms. also stand disposed of accordingly.

18.01.2017
shivani

(G.S. SANDHAWALIA)
JUDGE