

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

Date of Decision: 24.8.2017

1. FAO No.3741 of 2017 (O&M)

State of Punjab and another ...Appellants

Versus

M.Srinivasan and others ... Respondents

2 FAO No.3742 of 2017 (O&M)

State of Punjab and another ...Appellants

Versus

M.Srinivasan and others ... Respondents

3. FAO No.3759 of 2017 (O&M)

State of Punjab and another ...Appellants

Versus

M.Srinivasan and others ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Gulnoor Ghuman, AAG, Punjab for appellant(s)

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of FAO Nos.3741, 3742 and 3759 of 2017 as common questions of law and facts are involved in these appeals. These three appeals have been filed by the appellants-State challenging the impugned award dated 30th November, 2016 passed by the Motor Accident Claims Tribunal, Bhatinda. There is delay of 76 days in presenting these appeals. The only laconic reason given for the delay is contained in paragraph 2 of the application(s) for condonation of delay which reads as under:-

“2.That delay occurred in completing the record of
the case and obtaining the necessary sanctions to

pursue the present case further.”

This is not an explanation for delay and since no sufficient cause has been shown for filing the appeals beyond limitation, this Court cannot come to act in aid of the State and ignore the delay. The only criteria for condoning delay under Section 5 of the Limitation Act, is addressed to reasons which prevented party from approaching this Court within the prescribed period of limitation. If an application is bereft of reasons and material particulars of how the delay of 76 days in filing the appeals was caused, then jurisdiction under Section 5 of the Limitation Act remains unactivated. I have, therefore, no reason on a personal whim to condone the delay on the grounds of compassion or on the ground that an appeal is pending before this Court which has been filed by Head Constable Varinder Singh, driver of the offending vehicle that caused the fatal accident resulting in the death of three persons.

In view of the factual position and the judgment of the Supreme Court in **Chief Post Master General & ors. v. Living Media India Ltd. & Anr.**, (2012) 3 SCC 563, these three appeals are dismissed on the ground of limitation.

(RAJIV NARAIN RAINA)
JUDGE

24.8.2017
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No