

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

FAO No. 5195 of 2017 (O&M)

Date of decision: 26.10.2017.

**Smt. Sheela Devi and others
versus**

...Appellants

Ajit Singh and others

...Respondents

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

Present : Mr. B.S. Tewatia, Advocate for the appellants.

RAJIV NARAIN RAINA, J. (ORAL)

The delay in filing the appeal is by all means enormous and I would call it rather insuperable. There is no justifiable explanation whatsoever in the application worth a candle to believe that the appellant had sufficient cause not to prefer an appeal within the period of limitation prescribed and to inform Court what really prevented the appellant from preferring this appeal presented after an inordinate delay of 1824 days against an award passed by the Motor Accident Claims Tribunal, Palwal on May 13, 2011, which accounts for 5 years of somnolence.

2. I have read the application under Section 5 of the Limitation Act, 1963 and the affidavit in support of it, but do not find therein any reasonable or sufficient cause justifying the delayed approach. Moreover, the appeal also suffers, apart from delay in filing the appeal, in addition, a delay of 163 days in re-filing the same which is sheer indolence. However, the delay of 163 days in re-filing the appeal is

condoned as it might reflect on the chamber of the counsel but it is altogether too late to disturb the successful respondent after a lapse of 5 long years, as the opposite parties might lose faith in the Court when the impugned award has remained unchallenged for far too many years and the matter attaining an equilibrium not to surprise them by unwarranted interference.

3. As a result, the application for condoning the delay in presenting the appeal is rejected and as a consequence, the main appeal itself stands dismissed.

(RAJIV NARAIN RAINA)
JUDGE

October 26, 2017

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Whether speaking/reasoned : Yes

Whether reportable : Yes