

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

FAO No. 6422 of 2019(O&M)

Date of decision: 17.12.2019

RavinderAppellant

VERSUS

Kavita and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. D.S. Matya, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

CM No.21770-CII of 2019

Prayer in this application is for condoning delay of 18 days in re-filing the appeal.

Heard.

In view of averments made in the application, same is allowed. Delay of 18 days in re-filing the appeal stands condoned.

Disposed of accordingly.

CM No.21771-CII of 2019

Prayer in this application is for condoning delay of 2115 days in filing the appeal.

Counsel for the applicant-appellant (driver of offending vehicle), in line, with the averments raised in para 2 of the application would argue that delay in filing the appeal is sufficiently explained. It is further submitted that delay is neither intentional nor mala fide. The last

submission made by counsel is that a serious prejudice shall be caused to the applicant-appellant in case the delay is not condoned.

I have heard counsel for the applicant/appellant and considered the averments raised in para 2 of the application, reads thus:-

“That the respondents No.1 to 6 have been awarded a compensation of Rs.11,52,000/- by the Ld. MACT, Faridabad on 06.08.2013 on the account of death of the husband of respondent No.1 caused due to the negligent act of the Driver of the offending vehicle, Respondent No.1. That the appellant is a very poor person and had no sources to approach this Hon’ble Court in time and when the warrants were issued against the appellant by the Ld. Executing Court, Gurugram, the appellant came to know about the pendency of the execution petition and is now filing the present appeal before this Hon’ble Court, and when after arranging some amount he contacted the counsel, it was found that the delay of 2115 days has occurred in filing the present appeal. The appellant in the present appeal is very poor and illiterate people having no knowledge of the limitation period of the FAO. The aforesaid delay is neither intentional nor willful but the same has occurred on account of the aforesaid reason.”

A plain but careful reading of the aforesaid extract leaves no manner of doubt that the averments raised by the applicant, by no stretch of imagination, constitute a sufficient ground for condoning huge delay of more than 5½ years. This apart, there is nothing on record suggestive of the fact that claimants/respondents have been successful to realize any money in pursuance of award dated 06.08.2013 passed by the Motor

Accidents Claims Tribunal, Faridabad. In this view of the matter, the applicant-appellant is not entitle to indulgence of this Court in condoning inordinate delay of 2115 days in filing the appeal. As a consequence, the application is liable to be dismissed and ordered accordingly.

For the foregoing reasons, application for condonation of delay is dismissed. As a natural corollary, the appeal is dismissed being barred by limitation.

DECEMBER 17, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no