

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

CM 28877 CII of 2014 in/and
FAO No. 10504 of 2014 (O&M)
Date of decision: 22.01.2019

General Manager R S R T C

....Applicant/appellant

versus

Union of India and others

....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Anil Kumar Gahlawat, Advocate
for the appellant

Mr. Tanvir Singh Attariwala, Advocate
for respondent No. 1

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Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 09.04.2013 passed by the Motor Accidents Claims Tribunal, Faridkot (hereinafter to be referred as 'the Tribunal') whereby compensation has been assessed to the extent of Rs.7,38,220.00 in favour of Union of India for damage caused to vehicle 2.5 tonnes bearing No. BA No. 06C079512-P in a motor vehicular accident that took place on 02.04.2012. Along with the appeal, application has been filed for condoning delay of 515 days in filing the appeal.

Counsel for the applicant/appellant would argue that delay in filing the appeal is neither intentional nor mala fide but the same has crept in due to the reasons explained in para 2 of the application. It is further argued that a lenient view may be taken in the matter for doing substantial justice.

Counsel representing respondent No. 1 has seriously contested plea of the applicant for condoning huge delay of 515 days in filing the appeal.

Before advertng to the submissions made by counsel for the parties, it is necessary to recapitulate the material averments raised in para 2 of the application, reads thus:-

“2. That the present appeal was firstly to be filed by the earlier counsel for the present appellant, namely, Sandeep Singh Sangwan before this Hon'ble High Court, however, the then counsel did not file the said appeal and thereby, the delay of 515 days in filing the appeal had occurred and which is neither intentional nor willful rather it was caused due to the said bona fide mistake on the part of the applicant/appellant.”

When the facts aforesaid are examined, it can safely be held that the applicant/appellant has failed to make out a case that there are sufficient grounds for condoning huge delay of approximately one and a half year. I have further examined the case in the light of judgment of this Court ***Bharti Axa General Insurance Company Limited vs Ram Prashad and others*** (FAO No. 4740 of 2016, decided on 17.10.2016) and find it difficult to accept contention of the applicant/appellant that delay is liable to be condoned. As a consequence, application for condoning delay of 515 days in filing the appeal is liable to be dismissed and ordered accordingly. As a natural corollary, the appeal is dismissed being barred by limitation, leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

22.01.2019
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