

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-4476-2016 (O&M)

Date of decision: 20.09.2019

Sube Singh and another

..... Appellants

Versus

Babu Lal and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Kulwinder Singh, Advocate for  
Ms. Garima Sharma, Advocate for the appellants.

**RAMENDRA JAIN, J. (ORAL)**

Proxy counsel for the appellants prays for adjournment on the ground that arguing counsel is in some personal difficulty.

No justification, inasmuch as, instant appeal has been filed along with an application (CM-15394-CII-2016) under Section 5 of the Limitation Act, for condonation of inordinate delay of 2245 days. The plea taken by the appellants in their application that due to poverty they were not aware of the limitation period and by the time, they approached their counsel, period of limitation had expired to file appeal.

It is well-settled proposition of law that each day's delay has to be explained in a mathematical manner which has not been done by the appellants. No cogent reason or plausible explanation has been furnished by the applicant-appellants for condonation of such a inordinate delay of 2245 days in filing the appeal.

The above plea on the face of it, is concocted and false, inasmuch as, appellants have not mentioned the date on which they had approached their counsel. They have also not disclosed the name of their counsel to whom they had allegedly approached. The alleged poverty of appellants is also no ground to condone the delay, inasmuch as, a negligible fee of ₹17/- was to be affixed on the grounds of appeal.

More so, it is an open secret that claim cases under the Motor Vehicles Act, 1988, are usually fought on commission basis. Therefore, the applicant-appellants were not required to pay any advance payment to their counsel to file their appeal. From this angle also, plea of appellants that due to poverty delay of 2245 days occurred in filing of appeal has to be considered as false and concocted.

More so, condonation of such an inordinate delay of 2245 days in filing the instant appeal would tantamount to declaring the law of limitation obsolete/redundant, without any justification. The time has come to deprecate and reject such type of frivolous pleas taken in routine to abuse the process of law. Ignorance of law is also no excuse.

In view of discussion made above, the instant application for condonation of inordinate delay of 2245 days and the main appeal are dismissed.

**September 20, 2019**  
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**( RAMENDRA JAIN )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether reportable**

**Yes/No**