

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

FAO-1796-2017(O&M)

Date of decision:-30.5.2019

Ram Garib (deceased) through LRs

...Appellants

Versus

Mohd. Hira and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: None

H.S. MADAAN, J.

This appeal for enhancement of compensation awarded by the Tribunal in a death case has been filed belatedly by 546 days. An application under Section 5 of the Limitation Act for condonation of such delay has been filed by LRs of appellant Ram Garib (since dead), wherein it is contended that on account of paucity of money, the appeal could not be filed within time and furthermore the appellants/claimants remained in shock on account of death of Ram Garib and could not get the appeal filed within time; that the delay was not intentional or wilful.

Record perused.

Section 3 of the Limitation Act, 1963 deals with Bar of Limitation providing that every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed although limitation has not been set up as a defence.

Section 5 of that very act provides that any appeal or any application may be admitted after the prescribed period if the applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

The delay in filing of the appeal is about one year and three months. The explanation given is not plausible or satisfactory. Even if the claimants/appellants had any financial difficulty, they could have got the appeal filed through Legal Aid Counsel.

Thus in my considered view, no ground is there to condone the delay. The application in that respect is disallowed and the appeal having not been filed within time stands dismissed being time barred. Even on merits also, the appeal is doomed for failure inasmuch as connected appeal filed by the insurance company for reduction of compensation amount awarded has been allowed partly.

30.5.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No