

FAO No.6940 of 2019 (O&M)

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

FAO No.6940 of 2019 (O&M)
Date of decision: 19.11.2019

Krishan Kumar Sharma

.....Appellant

versus

Nishan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Ms. Ruchi Sekhri, Advocate, for the appellant.

RAMENDRA JAIN, J. (ORAL)

CM-23873-CII of 2019

Through this application under Section 173 of the Motor Vehicles Act, 1988, prayer has been made by applicant-appellant for exemption from depositing ₹20,250/-, which has to be deposited as a condition precedent for assailing award of the Motor Accident Claims Tribunal.

Heard.

No valid ground has been shown to exempt the applicant-appellant from depositing the aforesaid amount. Therefore, application is dismissed. Accordingly, appeal is liable to be dismissed being not maintainable.

CM-23872-CII of 2019

Through this application under Section 5 of the Limitation Act read with Section 151 CPC prayer has been made for condonation of 1025

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days' delay in filing the appeal.

It is averred that counsel for the appellant misguided him, telling that they had proved valid driving license of his driver before the Tribunal. Therefore, there was no necessity to file any appeal. Trusting advice of his counsel, applicant-appellant did not lay challenge to award dated 25.10.2016. Now, applicant-appellant came to know about filing of execution application by Insurance Company for recovery of awarded amount against him.

Heard.

It is well-settled proposition of law that each day's delay has to be explained in a mathematical manner. Applicant-appellant has not done so, rather has taken vague and false plea of mis-conduct of his counsel without any supportive document. Till date he has not issued any legal notice to his counsel, who allegedly cheated him giving wrong advice, nor has filed any complaint with the Bar Council. Applicant-appellant even has not annexed affidavit of his counsel in support of his assertion that he had told him that they had proved driving license of his driver. Thus, there was no necessity to file appeal against the award. Hence, his above plea is liable to be outrightly turned down.

Such type of false pleas are being taken since last 4-5 decades in general by almost every litigant for condonation of delay. Much water has already flown. Now the time has come to deprecate and reject such type of frivolous pleas taken in routine to abuse the process of law. Allowing instant application for condonation of such a inordinate delay of 1025 days in filing the appeal, would tantamount to declaring the law of limitation

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obsolete. Therefore, the application is dismissed.

Since, the application for condonation of delay in filing the appeal is dismissed, therefore, no separate order is required to be passed in the main appeal. The same is also dismissed.

(Ramendra Jain)
Judge

November 19, 2019
R.S.

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No