

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

FAO No.1006 of 2020 (O&M)

Date of Decision: 05.02.2024

Prem Chand and another

...Appellants

Versus

Bharti AXA General Insurance Company Ltd
and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Anil K. Lamdharia, Advocate
 for the appellants.

MEENAKSHI I. MEHTA, J. (Oral)

CM No.2495-CII of 2020

By way of the instant application, the applicants-appellants (the respective driver and owner of the offending vehicle involved in the accident in question) have prayed for condonation of the delay of 1013 days in filing the appeal bearing *FAO No.1006 of 2020*.

2. I have heard learned counsel for the applicants-appellants on the present application and have also gone through the file carefully.

3. The sole ground, as set-forth by the applicants-appellants in this application to explain the afore-mentioned delay in filing the appeal, is that the counsel, who had been representing them before the MAC Tribunal, did not inform them about the factum of the Award having been passed against them and rather, they had come to know about this fact only on receiving the summonses in respect of the execution proceedings as initiated against them by respondent No.1-Insurance Company.

4. However, the above-discussed ground/explanation does not cut any ice with this Court because in normal course of events, a prudent litigant cannot be expected to remain oblivious of the fate of the legal proceedings initiated by/against him for a period as long as 1013 days, i.e almost 02 years and 10 months. In case, the counsel for the applicants-appellants did not inform them regarding the impugned Award, even then the fact remains that they were supposed to contact/approach their counsel to enquire about the final outcome of the Claim Petition preferred by the respondents-claimants against them but however, throughout in the instant application, they have not whispered even a single word in this regard.

5. As a sequel to the fore-going discussion, this Court is of the considered opinion that the afore-referred delay on the part of the applicants-appellants in filing the appeal, can safely be termed as an inordinate one and hence, the same does not deserve to be condoned. Resultantly, the application in hand stands dismissed.

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Consequent upon the dismissal of the above-said application as moved by the applicants-appellants for seeking condonation of the delay in filing the present appeal, it follows that this appeal also deserves dismissal on account of its having become hopelessly time-barred. Therefore, the appeal in hand as well as the afore-indicated Miscellaneous Application stand dismissed accordingly.

05.02.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*