

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.5583 of 2023 (O&M)
Date of Decision: 21.02.2024

Krishan Kumar and another
...Appellants
Versus
Narender and another
...Respondents

CORAM: ***HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Akshay Kumar Dahiya, Advocate
 for the appellants.

MEENAKSHI I. MEHTA, J. (Oral)
CM No.19000-CII of 2023

By way of the instant application, the applicants-appellants (here-in-after to be referred as ‘the applicants’), i.e the respective driver and owner of the alleged offending vehicle involved in the accident, resulting into the injuries on the person of respondent No.1-Claimant, have prayed for condonation of the delay of 492 days in filing the appeal bearing *FAO No.5583 of 2023*, while averring that they are poor persons and they did not have nor could arrange for the sufficient funds earlier to file the appeal and moreover, they were also not well-versed with the intricacies of legal procedure, as required to be followed, for the above-said purpose.

2. I have heard learned counsel for the applicants-appellants on the present application and have also perused the file carefully.
3. Learned counsel for the applicants contends that the applicants are illiterate persons and they were not aware of the fact that the MAC Tribunal had granted the right to respondent No.2-Insurance Company to recover the

award amount from them and moreover, due to penury, they could not arrange for the funds earlier, so as to file the appeal and in these circumstances, it becomes explicit that the afore-mentioned delay on their part, is not intentional and hence, the same deserves to be condoned.

4. However, the above-raised contentions do not hold much water because so far as the contention regarding the applicants being illiterate persons is concerned, the same does not suffice at all to be considered as a cogent and plausible ground for condoning the afore-referred delay as it is well-settled that the ignorance of law, is no excuse.

5. As regards the contention qua the applicants not having sufficient funds earlier to meet out the necessary expenses for filing the appeal, it is worth-while to mention here that had they been vigilant and cautious enough regarding the fallout of the impugned Award, they would certainly have come to know about the remedy that could be easily available to them in such like eventuality, i.e to approach the competent Legal Services Authority to seek free legal-aid for filing the appeal in this Court but however, throughout in the instant application, they have not come forward with any fair and candid version in this regard.

6. As a sequel to the fore-going discussion, this Court is of the considered opinion that the above-said 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.

**FAO No.5583 of 2023 &
CMs No.18998-CII & 19001-CII of 2023**

Consequent upon the dismissal of the afore-referred 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, along-with the above-mentioned Miscellaneous Applications, stands dismissed accordingly.

21.02.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No