



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

134

**FAO-5480-2024 (O&M)
Date of Decision : 26.11.2024**

MANJIT SINGH Appellant

VERSUS

BALWINDER SINGH AND ORS Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abhishek Sahu, Advocate for
Mr. B.S. Bhalla, Advocate for the appellant.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the owner challenging the award dated 04.01.2018 passed by the Motor Accident Claims Tribunal, Tarn Taran.
2. The present appeal has been filed with an application (CM-20945-CII-2024) for condonation of delay of 1707 days in filing the appeal. A perusal of the application reveals that it is totally bereft of any explanation for the delay of 1707 days except for mentioning that the appellant did not contact his counsel and hence did not come to know about the fate of the claim petition although it is candidly admitted that the counsel had sent a message which the appellant claims that he did not receive.
3. The Hon’ble Supreme Court in the case of **Pathapati Subba Reddy (Died) by LRs & Ors. vs. The Special Deputy Collector (LA) [2024(3) RCR (Civil) 135]** has held as under :

“25. This Court in the same breath in the same very decision vide paragraph 15 went on to observe as under:

“15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the “sufficient cause” which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature. (emphasis supplied)”

26. *On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:*

(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

(v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

(vi) *Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;*

(vii) *Merits of the case are not required to be considered in condoning the delay; and*

(viii) *Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”*

4. In view of the fact that there is no cogent reasons forthcoming explaining the inordinate delay of 1707 days in filing the present appeal, the application (CM-20945-CII-2024) seeking condonation of the aforesaid delay is dismissed. Resultantly, the appeal being barred by limitation is also dismissed. Pending applications, if any, also stand disposed off.

26.11.2024

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*