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

**FAO-1317-2025 (O&M)
Date of decision : 30.10.2025**

IFFCO TOKIO GENERAL INSURANCE COMP LTDAppellant

Versus

MURTI DEVI AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sanjeev Kodan, Advocate for the appellant.

PANKAJ JAIN, J. (ORAL)

CM No.19250-CII of 2025

1. This is an application filed under Section 5 of the Limitation Act, 1963 read with Section 151 CPC seeking condonation of delay of 1727 days in filing the present appeal.

2. The only explanation that has been offered seeking condonation of delay, reads as under:

“2. That the above said appeal has been filed along with application u/s 5 of Limitation Act, 1963 vide CM No. 9340-CII of 2025. The same was listed on 25.02.2025 for preliminary hearing and the applicant/appellant withdrawn the above said application with liberty to file afresh with better particulars. The order is hereby reproduced as under:



"CM-3940-CII-2025

Learned counsel appearing on behalf of the applicant-appellant prays for withdrawn of application under Section 5 of Limitation Act, 1963 with liberty to file afresh with better particulars.

Dismissed as withdrawn.

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Adjourned to 23.04.2025."

3. That after the notice in the claim petition the appellant insurance company verified from their own system that the vehicle bearing registration no. DL-1ZZ-2201 was not insured with the appellant insurance company.

4. Thereafter, the fact was brought to the knowledge of their dealing counsel before the Ld. MACT by the company's legal officer namely Ashna Awasthi via mail dated 29.06.2016 and it was also communicated to him that to take a specific defense regarding the fake policy.

5. That one of the senior manager namely Navneet Goyal sent a mail to the counsel before the MACT on 03.01.2017 to the fact that the present case is contested case on the ground that accident does not fall within the policy period and owner has committed manipulation/ overwriting over the policy period. The contents of mail is hereby reproduced as under:-

"Dear Sir

The captioned case is contested case on the ground that accident does not fall with in the police period and owner has committed manipulation/ over writing on the policy period hence it's a fake policy, you are requested to pls contest the case effectively to avoid the liability of the company and send the amended WS incorporating the said plea in it, to Ms. Ashna asap."



6. That despite the facts/instructions the counsel before the MACT filed the written statement without taking specific objections of fake policy. The formal grounds was taken in the WS filed by the counsel of the appellant insurance company without approval. The same ground is hereby reproduced as under:-

"That the policy of insurance is void because it was obtained by non-disclosure of material facts or representation of facts, which were false in material particulars."

7. That on examination all the mails shared by the Advocate, it has been emerged in the mail on dated 04.08.2016, that there was a copy of manipulated policy attached with cover note bearing no. 91294717, which was reflects the cancel policy bearing no. 89402834 which is stated prior and stood cancelled. Moreover, the duration of the policy was also manipulated.

8. That appellant - insurance company withdrawal the cases from the counsel before the MACT. A mail in this regard was sent to the concerned counsel on 08.01.2025. The contents of the mail are hereby reproduced as under:-

"Dear Sir,

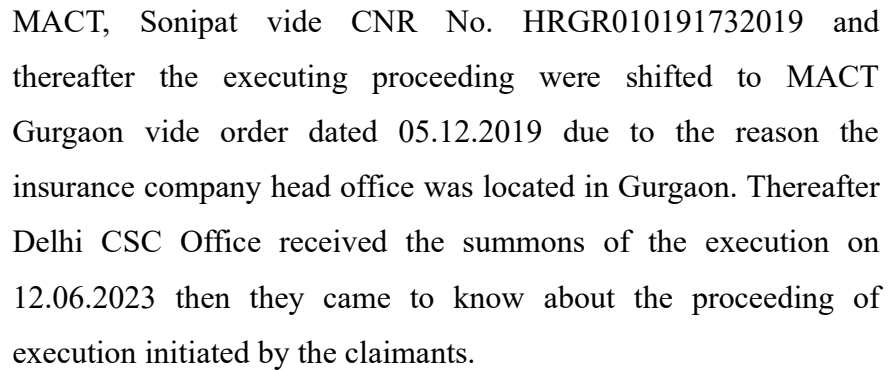
We refer to our previous correspondence regarding the case. As per the same, we had requested that you provide an amended Written Statement (WS) incorporating the plea related to policy manipulation.

However, it has come to our attention that, despite our instruction, you have filed the WS in court with only your signature and without the necessary amendments.

This conduct is not acceptable. Looking to the said conduct we are withdrawing all the cases allotted to you with immediate effect.

Please hand over all claim files to Mr. Karan Kapoor who will come on tomorrow to meet you."

9. The claimants filed the execution of the impugned award at



3. The issue regarding interpretation of ‘sufficient cause’ as contemplated under Section 5 of the Limitation Act and the State lethargy, came up for consideration before the Supreme Court in the case of **‘Shivamma (Dead) by LRs vs. Karnataka Housing Board and others - Civil Appeal No.11794 of 2025 (Arising out of Special Leave Petition (C) No. 10704 of 2019)** *decided on* 12.09.2025. Supreme Court after considering the entire thread of precedents, laid down the following parameters :

XXX

DEEPAK KUMAR
2025.11.04 09:42
I attest to the accuracy and
integrity of this document



But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

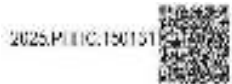
262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.

(emphasis supplied)

XXX XXX XXX”



4. In light of the aforesaid ratio laid down by Supreme Court, this Court finds that the applicant has miserably failed to show sufficient cause that can enure him benefit under Section 5 of the Limitation Act to condone the delay. There being no room for largesse towards corporate lethargy, the present application is ordered to be dismissed.

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- 1. Since the application seeking condonation of delay has been dismissed, the appeal is ordered to be dismissed being barred by time.
- 2. Pending application, if any, shall also stands disposed off.

October 30, 2025		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No