



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

**CM-7427-CII-2025 in/and
FAO-2321-2025 (O&M)
Date of Decision : 02-12-2025**

INDERJIT SINGH

.....Appellant

VERSUS

JAGRAJ SINGH AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ankit Aggarwal, Advocate and
 Mr. Sandeep Singh, Advocate
 for the applicant-appellant.

HARPREET KAUR JEEWAN, J. (Oral)

1. Prayer in the present application is for condonation of delay of 2465 days in filing the appeal, whereby modification of the Award dated 18.04.2016 passed by the Motor Accident Claims Tribunal, Patiala has been sought. The Tribunal has awarded compensation amounting to Rs.8,93,700/- on account of the death of a victim in a roadside accident, which took place on 16.10.2014.

2. Learned counsel for the applicant contends that the counsel representing him before the Tribunal took the responsibility to file the appeal against the Award within the limitation period of 90 days. For that purpose, the said counsel had taken the signatures of the applicant, but later on the applicant came to know that no appeal was filed, as such by engaging the

present counsel, the applicant filed the present appeal. Resultantly, the delay of 2465 days occurred which is on account of *bona fide* reasons and the same is not intentional.

3. Heard.

4. The applicant has not disclosed any plausible reason for non-filing the appeal for such a long period of 2465 days. It is not the case of the applicant that he was not aware about the passing of the Award by the Tribunal in April 2016. It is highly improbable that the applicant could not have contacted his counsel to know about the status and outcome of his matter from the previous counsel. The explanation given by the applicant does not appear to be satisfactory on the face of it.

5. The Hon'ble Apex Court, in "*State of Madhya Pradesh vs. Ramkumar Choudhary*"; *Special Leave Petition (C), Diary No.48636 of 2024*, Date of Decision: 29.11.2024, has observed that the discretion to condone the delay has to be exercised judiciously based on the facts and circumstances of each case and the expression "sufficient cause" cannot be liberally interpreted, if negligence, inaction or lack of *bona fide* is attributed to the party. It was further observed that where a case has been presented in the Court beyond the period of limitation, the petitioner 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. Reference was also made to the observations of the Hon'ble Apex Court in "*Majji Sannemma vs. Reddy Sridevi*"; *2021 SCC Online SC 1260*, wherein, it was held that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. A reference was also made to the decision of the Hon'ble Apex Court in

“Ajay Dabra vs. Pyare Ram, 2023 SCC Online SC 92, wherein, it was held as follows:-

“13. This Court in the case of Basawaraj v. Special Land Acquisition Officer [(2013) 14 SCC 81] while rejecting an application for condonation of delay for lack of sufficient cause has concluded in

Paragraph 15 as follows:

"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."

14. Therefore, we are of the considered opinion that the High Court did not commit any mistake in dismissing the delay condonation application of the present appellant."

6. In view of the facts and circumstances of this case, this Court is of the considered opinion that no sufficient cause has been explained for the inordinate delay of 2465 days in filing the present appeal.

7. Consequently, the present application, being devoid of merits, is dismissed.

8. CM stands disposed of.

Main case

9. The present appeal has been filed seeking enhancement of compensation, awarded by the learned Motor Accident Claims Tribunal, Patiala vide impugned Award dated 18.04.2016.

10. Since the appeal has been filed beyond the period of limitation and the application seeking condonation of delay has been dismissed, as such, the present appeal stands dismissed.

11. Pending miscellaneous applications, if any, shall stand disposed of.

02-12-2025

Sapna Goyal

(HARPREET KAUR JEEWAN)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO