



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

218

Date of decision: 19.12.2025

(i) FAO-3769-2019 (O&M)		
Bhateri		...Appellant(s)
	Vs.	
Vinod and another		...Respondent(s)
	AND	
(ii) FAO-5726-2017 (O&M)		
Geeta		...Appellant(s)
	Vs.	
Vinod and another		...Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Nitin Sachdeva, Advocate for the appellant.

NIDHI GUPTA, J.

CM-13101-CII-2019

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 806 days in filing the accompanying appeal.

2. The only reason cited by learned counsel for the applicant/appellant in para 2 of the application seeking condonation of delay of 806 days is: *“That the appellant is an illiterate lady who was under the impression that she has exhausted her legal remedy with the dismissal of case and there is no further legal remedy available to her. But when the appellant met with his counsel in the 2nd week of April, 2019, only then she*



came to know that she has right to appeal. Thereafter, she arranged the funds and approached his Counsel at Sonipat for the further action. Thus the appeal is now being filed and the delay happened due to the above mentioned reasons."

3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 806 days in filing the present appeal.

4. It is cardinal principle of law that delay of each day has to be explained. In this regard, reference may be made to a recent judgment of the Hon'ble Supreme Court in **Civil Appeal No. 11794 of 2025** titled as **Shivamma (Dead) by LRs Vs. Karnataka Housing Board and others, 2025 INSC 1104 decided on 12.09.2025, Law Finder Doc Id # 2777666**, wherein it is held that each day's delay has to be explained in a mathematical manner which has not been done by the applicant-appellant. No cogent reason or plausible explanation has been furnished by the applicant for condonation of such an inordinate and unexplained delay in filing the accompanying appeal. Moreover, condonation of such an inordinate delay would be tantamount to declaring the law of limitation obsolete/redundant, without any justification. The impugned Award is dated 14.12.2016; whereas appellant visited her trial court counsel only in the 2nd week of April 2019. Thus, for almost 2 1/2 years, appellant did not pursue the case at all. Thus, the explanation furnished by the appellant shows that the matter has been pursued with utmost casualness.



5. As such, no ground is made out for condoning inordinate delay of 806 days. Present application accordingly stands **dismissed**.

FAO-5726-2017 (O&M)

The present appeal has been filed by the injured-claimant Geeta against the dismissal of her claim petition by the learned MACT, Sonapat (hereinafter 'the Tribunal'), vide Award dated 14.12.2016 passed in MACT Case No. 239 dated 28.04.2015 filed under Section 166 of the Motor Vehicles Act, 1988.

FAO-3769-2019 (O&M)

The present appeal has been filed by the injured-claimant Bhateri against the dismissal of her claim petition by the learned MACT, Sonapat (hereinafter 'the Tribunal'), vide Award dated 14.12.2016 passed in MACT Case No. 240 dated 28.04.2015 filed under Section 166 of the Motor Vehicles Act, 1988.

2. Both above said appeals are being disposed of by this common order as both arise from the same accident dated 10.10.2014; and emanate from the same/common Award dated 14.12.2016 passed by the learned MACT Sonipat; and both appeals involve same facts and issues. For the sake of facility, facts are being drawn from FAO-3769-2019 filed by Bhateri.

3. The case of the appellants as pleaded before the learned Tribunal as recorded in para 2 of the impugned Award is as follows:-

"2. The facts of the present claim petitions are that on 10.10.2014 petitioner Geeta alongwith her mother Bhateri was coming from village Tajpur on the motorcycle bearing registration no. DL 4SC-D/2076 being driven by Ajay son of



Mahender Singh. Ajay was driving his motorcycle at a normal speed on the correct side of the road. When they reached near Lal Kothi, situated at Tajpur, Murthal road at about 6.15.P.M, one vehicle bearing registration no HR 05AH-4634 being driven by its driver in a rash and negligent manner, hit the motorcycle of Ajay by coming on wrong side and due to the impact, petitioners Geeta and her mother Bahtheri suffered multiple serious injuries and Ajay suffered some simple injuries. It has been further pleaded that later on petitioners came to know that the offending vehicle which was being driven by its driver was Ford I. Con No. HR 05AH-4634. After causing the accident, driver of the said vehicle stopped the vehicle at some distance and petitioner and her mother were shifted to general hospital Sonapat, where they were medico legally examined. As the condition of the petitioner and her mother was serious, so Doctor of GH Sonapat, after giving first aid, referred the petitioner and her mother to PGIMS Rohtak. But both the injured were immediately shifted to Cygnus JK Hospital, Sonapat where they remained admitted for about 15/20 days. Petitioner Geeta was admitted in Cygnus Hospital on 10.10.2014 and she was discharged on 27.10.2014. It has been further pleaded that after the accident, mother of petitioner also got made a call at number 100 and also made a complaint to SP Sonapat regarding the accident. ASI Devender and Investigating Officer Jogender visited in the hospital and made inquiries regarding the accident from the petitioner as well as from her mother, but no action was taken against the driver of the offending vehicle. It has been further pleaded that police tried to get the matter compromised and also got offered amount of Rs 40,000/- from the driver of the offending vehicle i.e respondent no.1. As the petitioner and her mother had suffered serious injuries and spent huge amount, so they



refused to effect any compromise with respondent no.1. Thereafter petitioner went to the police many times and requested the concerned SHO to register the case against respondent no.1, but to no use. Petitioner also made complaint to SP Sonapat regarding hostile attitude of the police but no case of rash and negligent driving was registered against the driver i.e. respondent no.1. The mother of the petitioner time and again visited police station and made inquiries about her complaint and also requested to register the case against the driver of the offending vehicle but no action was taken by the police. A written complaint to the higher authorities i.e SP Sonapat was also moved by mother of the petitioner. Ultimately mother of the petitioner filed a complaint and the case was registered under section 156(3) Cr.PC. bearing FIR No.47 dated 29.1.2015 under section 279,337,338 IPC in police station Murthal against respondent no.1. It has been further pleaded that accident took place due to rash and negligent driving of the of Ford I. Con no. HR-05AH-4634 by its driver respondent no.1.”

4. Upon appraisal of the pleadings and the evidence led by the parties, the learned Tribunal had concluded that the appellants had failed to prove the rash and negligent driving of the offending vehicle by respondent no.1. Accordingly, claim petition filed by the appellants stood dismissed.

5. It is *inter alia* submitted by learned counsel for the appellant(s) that the learned Tribunal was in error in dismissing the claim petition only on the ground of delay in registration of FIR. Learned counsel submits that in actual fact, the appellants had made several representations to the



concerned SSP and had also been constrained to move a criminal complaint under Section 156(3) Cr.P.C. It is submitted that it is only thereafter, the FIR No. 47 dated 29.01.2015 came to be registered against respondent No.1 under Sections 279/337/338 IPC at Police Station Murthal. Thus, there was no delay on behalf of the appellants in registering the FIR. Learned counsel further submits that in the accident in question, the appellant Geeta (appellant in FAO-5726-2017) had suffered 55% functional disability, as a result of which, she is unable to carry out her household work and do her normal activity.

6. It is accordingly prayed that the present Appeals be allowed; and the impugned Award be set aside and compensation be granted.

7. No other argument is raised on behalf of the appellants. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of learned counsel for the appellants.

8. It was the pleaded case of the appellants before the learned Tribunal that the appellants had sustained serious injuries in a motor vehicular accident that took place on 10.10.2014 at about 6:15 p.m. due to the rash and negligent driving of a Ford Car bearing registration No. HR-05AH-4634 being driven by respondent No.1; and owned by respondent No.2. The Id. Tribunal on the basis of pleadings and evidence adduced before it, found that the appellants had failed to prove that the respondent No.1 was driving the alleged offending vehicle in a rash and negligent manner.



9. The appellants had deposed that they had come to know the number of the offending vehicle subsequently. However, the persons who had disclosed the details of the offending vehicle to the appellants, were not mentioned in the claim petition; and were also not examined by the appellants. Accordingly, learned Tribunal had concluded that at the time of accident, appellants did not know the details of the offending vehicle; and the same were procured subsequently from unknown sources; which gives rise to the suspicion that offending vehicle was planted.

10. It is also the pleaded case of the appellants that at the time of accident, they were riding on a motorcycle bearing registration no. DL 4SC-D/2076, which was being driven by one Ajay. However, appellants have failed to examine even the said Ajay to prove that the accident had taken place in the manner as alleged.

11. Moreover, FIR had been registered on 29.1.2015, more than 2 months after the date of the accident on 10.10.2014. Although, appellants have stated that they had approached the Magistrate for registration of FIR, however, no details thereof have been provided. Even no details of the representations allegedly made by the appellants to the concerned SSP or other Police authorities have been forthcoming. As such, the appellants have been unable to furnish any satisfactory explanation for delay of over two months in registration of FIR. In fact, appellant Bhateri in her evidence as PW2 has admitted during her cross-examination that she had moved no application to the Police Authority in respect of the accident.



12. As such, appellants were unable to prove the rash and negligent driving of the alleged offending vehicle driven by respondent No.1.

13. Learned counsel is also unable to dispute that in the accident in question, the appellant Bhateri had not suffered any permanent disability. Even in the claim petition, all that the said appellant has stated is that she had suffered “several injuries”. However, no cogent evidence was produced by her in this regard. As regards, the appellant Geeta, as per the record, no doubt, she had suffered 55% functional disability. However, keeping in view the above findings that the appellants had been unable to prove that the accident in question had taken place due to rash and negligent driving of the alleged offending vehicle by respondent no.1, appellants were held not entitled to compensation. Ld. counsel for the appellants is unable to controvert or dispute the above said facts and findings.

14. In view of the undisputed facts and findings as noted above, no ground is made out to interfere in the impugned Award. Both the present appeals are accordingly **dismissed**.

15. Pending application(s) if any also stand(s) disposed of.

19.12.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No