



112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM NO. 16304-CII-2024 IN/AND
FAO No. 4425 of 2024 (O&M)
DATE OF DECISION: 04.09.2025

ANWARI PARVEEN AND OTHERS

.....APPELLANTS

Vs.

ORIENTAL INSURANCE COMPANY AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Imran Farooqi, Advocate,
for the applicants-/appellants
(through video conferencing)

AMARINDER SINGH GREWAL, J.

1. The present appeal has been preferred by the applicants-claimants against the impugned Award dated 02.01.2019 passed by the learned Motor Accident Claims Tribunal, Sangrur (for short 'the learned Tribunal), seeking enhancement of compensation, accompanied by an application under Section 5 of the Limitation Act for condonation of delay of 2022 days in filing the appeal.

2. The brief facts of the case are that on 08.10.2016, one Mohammad Shabir along with Nadeem Mohd. was travelling on a motorcycle bearing registration No. PB-13-AU-1200 from F.M. Steel Alloys Pvt. Ltd., near Bhogiwal, towards Malerkotla. When they reached near the Plastic Drum Factory, a truck bearing registration No. PB-13-AB-6810, driven by respondent No. 2-Jagjit Singh, was suddenly reversed in a rash



and negligent manner at a high speed, striking the motorcycle of Mohammad Shabir and Nadeem Mohd., as a result of which both of them died on the spot. The legal representatives of the deceased Mohammad Shabir filed a claim petition before the learned Tribunal, where they were awarded compensation of ₹17,83,600/-. Aggrieved thereby, the present appeal has been preferred by the appellants seeking enhancement of compensation.

3. The present case is accompanied by an application filed under Section 5 of the Limitation Act, seeking condonation of delay of 2022 days in filing the appeal on the ground that the appellants are illiterate and indigent, lacking any stable financial standing. Their adverse socio-economic conditions have severely restricted their ability to navigate the legal process effectively. On account of their illiteracy, they were unable to comprehend the complexities of the legal system or the urgency of adhering to the prescribed period of limitation. Furthermore, their indigence prevented them from securing legal representation within the stipulated time. The delay of 2022 days in filing the appeal is, therefore, neither deliberate nor wilful. Accordingly, a prayer has been made for condonation of the same.

4. It is apparent that the appellants did not approach this Court by way of appeal within the period prescribed under the Motor Vehicles Act, 1988 (hereinafter referred to as the 'Act of 1988'). The provisions of Section 173 of the Act of 1988 deals with appeals, which are reproduced as under:-

“173. Appeals. - (1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court:



Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court, unless he has deposited with it twenty-five thousand rupees or fifty per cent. of the amount so awarded, whichever is less, in the manner directed by the High Court:

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2)No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than [one lakh] rupees.”

5. A perusal of the proviso to Section 173 of the Act of 1988 makes it crystal clear that the High Court may entertain the appeal after expiry of the period of 90 days, if it is satisfied that the appellant was prevented by 'sufficient cause' from preferring the appeal in time. Thus, the appellant there was sufficient cause for the delay.

6. The phrase 'sufficient cause' as used in Section 173 of the Act of 1988 is in *pari materia* to Section 5 of the Limitation Act, 1963 and should, therefore, be interpreted in the same way.

7. A bare perusal of the application seeking condonation of delay shows that the appellants have made only general and vague assertions without furnishing any specific reasons or producing any material to demonstrate that genuine efforts were made to file the appeal within the prescribed period. The appellants are required to stand on their own legs and establish sufficient cause which prevented them from filing the appeal within the statutory period. In the absence of substantive evidence to support



such claim, the appellants cannot be permitted to derive any benefit from their own negligence or inaction.

8. The object and purpose of the statutes of limitation is to fix the life span of a legal remedy so as to put an end to every legal remedy as it is futile to keep any litigation or dispute pending indefinitely. Furthermore, it is also settled proposition of law that delay of each and every day has to be explained, which is lacking in the case at hand. When mandatory provision is not complied with and delay is not properly, satisfactorily and convincingly explained, it ought not to be condoned on sympathetic grounds alone. The statutory provision of law of limitation may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The Hon'ble Supreme Court in the judgment passed in Basawraj and another vs. Special Land Acquisition Officer (2013) 14 SCC 81 has observed that it is a settled legal proposition that law for limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation. The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim *dura lex sed lex*, which means "the law is hard but it is the law" stands attracted in such a situation.

9. In view of the aforesaid facts and circumstances, the explanation furnished by the appellants for not approaching this Court by



way of the instant appeal within the prescribed period of limitation is neither plausible nor convincing, and therefore does not inspire the confidence of this Court so as to condone the inordinate delay of 2022 days.

10. Consequently, the application bearing CM No. 16304-CII-2024, seeking condonation of delay of 2022 days in filing the present appeal, stands dismissed.

11. Resultantly, the main appeal also stands dismissed.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

SEPTEMBER 04, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No