



2025:DHC:477



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 23rd January, 2025

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MAC.APP. 29/2025**BAJAJ ALLIANZ GENERAL INSURANCE
CO. LTD**

.....Appellant

Through: Mr. Danish Aftab
Chowdhury, Adv. (through
VC)

versus

**MANJU DEVI VISHWAKARMA
& ORS.**

.....Respondents

Through:

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)****CM APPL. 2027/2025 (exemption from filing certified, legible,
true typed copies of the relied documents)**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**CM APPL. 2026/2025 (condonation of delay of 141 days in
filing the present appeal)**

3. The present application is filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 141 days in filing the accompanying appeal against the award dated 04.05.2024 (hereafter '**the impugned award**') passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Tis Hazari Courts, Delhi in MACT No. 285/2021.

Signature Not Verified

Signed By: HARMINDER KAUR
Signing Date: 29.01.2025
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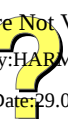
4. The learned counsel for the appellant (applicant), while making an effort to justify the delay, submits that the impugned award passed on 04.05.2024, copy of the judgment was received in due course. Thereafter, opinion was sought by different counsel at Pune (the head office of the appellant company is situated in Pune) and Delhi (counsel of the company which gave an opinion to file the instant appeal). He submits that some time had gone into taking an informed decision and approval by the legal team of the appellant company. He submits that the delay was neither intentional and nor deliberate.

5. Sans the above averments, there is nothing else stated which is/or, for the matter, can be said to be material or of any importance in the said application for the purposes of adjudication thereof. In fact, the learned counsel stated that he had to obtain instructions from the head office located in Pune.

6. At the outset, it is pertinent to note that the accident took place on 21.06.2021. The learned Tribunal awarded compensation in favour of the victim on 04.05.2024. It is apparent that the appellant did not file the appeal within the period prescribed under the Motor Vehicles Act, 1988 ('MV Act').

7. The provisions of Section 173 of the MV Act which deals with appeals may relevantly be considered, which reads as follows :

"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:





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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."

.....

8. It is clear from the proviso to Section 173 of the MV Act that the High Court may entertain the appeal after expiry of the period of ninety days if it is satisfied that the appellant was prevented by 'sufficient cause' from preferring the appeal in time. Thus, the appellant is required to prove 'sufficient cause' for the delay.

9. The phrase '*sufficient cause*' as used in Section 173 of the MV Act and Section 5 of the Limitation Act is *in pari materia* and should therefore be interpreted in the same way. Consequently, the Hon'ble Apex Court's rulings in the context of Section 5 of the Limitation Act are directly applicable in interpreting the meaning of '*sufficient cause*' under Section 173 of the MV Act.

10. A bare perusal of the application shows that the learned counsel has provided only general and basic statements without detailing the specific approvals obtained or the time frame involved for the delay in filing the appeal. This lack of detail is concerning because it is critical for the appellant to clearly demonstrate and establish '*sufficient cause*' that prevented them from filing the appeal within the statutory limitation period.



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Without substantive evidence to support the claim, the appellant cannot be permitted to benefit from their own negligence or inaction.

11. A Co-ordinate Bench of this Court in ***ICICI Lombard General Insurance Co. Ltd. v. Rojida Khatun*** : 2015 SCC OnLine Del 10646, while assessing the importance of *bona fides* of the applicant seeking condonation of delay held as under:

“4. Section 5 of the Limitation Act lays down that before the delay is condoned, the applicant must be able to show to the court that he was prevented by ‘sufficient cause’ from filing the appeal. The ‘sufficient cause’ has been interpreted as a cause by the courts which is beyond human control. While interpreting the word ‘sufficient cause’, the Apex Court in Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy; (2013) 12 SCC 649 has observed that the length of the delay is not material but the bona fides of the person in prosecuting the matter are to be seen. In the instant case, details as to when the file was taken by the associate counsel, when it was returned, what was his name and what was the action taken against him and such other relevant details have not been given by the appellant. This appears to be only a concocted story to overcome the delay. In my considered view, the reason given by the insurance company does not constitute ‘sufficient cause’ for condoning the delay of 147 days in filing the appeal, which stands unexplained. Consequently, the delay is not condoned. Since the delay is not condoned, therefore, the appeal of the insurance company becomes time barred.”

(emphasis supplied)

12. It is also not the case of the appellant that the concerned officers were not aware that the appeal is required to be filed within the period specified. Even otherwise, ignorance of law is of no excuse.



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13. The Hon'ble Apex Court, in a very recent case of **H. Guruswamy v. A. Krishnaiah : 2025 SCC OnLine SC 54**, observed as under:

“15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

*16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. **Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.***

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time.”

(emphasis supplied)

14. Upon careful consideration, it is evident that the application filed by the appellant seeking condonation of delay is bereft of any such reasons disclosing any sufficient cause. The onus lies on the appellant to establish a credible and justifiable explanation for failing to file the appeal within the prescribed time frame.



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15. It is to be kept in mind that the compensation sought for is under benevolent legislation to mitigate the sufferings of persons who lose an earning member of the family in a motor accident besides suffering other non-pecuniary losses. The lackadaisical propensity exhibited in filing the appeal reflects a lack of diligence and seriousness on the part of the appellant, undermining the purpose of such welfare-oriented legislation.

16. On account of all the above observations, I find no reason for venturing into the merits involved in the present appeal since the averments made in the said application seeking condonation of delay are not worthy enough to warrant any relief.

17. In view of the above, the present application is dismissed.

MAC.APP. 29/2025 & CM APPL. 2028/2025 (stay)

18. Needless to say, as necessary corollary the appeal also stands dismissed.

19. The pending application, if any, also stand disposed of.

AMIT MAHAJAN, J

JANUARY 23, 2025

