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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 22nd January, 2025*

+ MAC.APP. 42/2025 & CM APPL. 2875/2025, CM APPL. 2876/2025, CM APPL. 2877/2025 & CM APPL. 2878/2025

RAMANDEEP SINGH & ANR.Appellants
Through: Mr. Ashu Pathak, Mr. Ravi Kumar Mishra & Mr. Indrajeet Prasad, Advocates (Through V.C.).

versus

SALIM MALIK & ANR.Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

CM APPL. 2877/2025 (condonation of delay of 290 days in filing the present appeal)

1. The present application is filed under Section 5 of the Limitation Act, 1963 read with Section 173 (1) of the Motor Vehicle Act, 1988 (hereafter '**MV Act**') seeking condonation of delay of 290 days in filing the accompanying appeal against the award dated 21.10.2023 (hereafter '**the impugned award**') passed by the learned Presiding Officer, Motor Accident Claims Tribunal, Rohini Courts, Delhi in MACT No. 139/2022.



2. The learned counsel for the appellants (applicants) submits that the delay in filing the present appeal is due to the inaction on part of the previous counsel engaged by the appellants, as he failed to maintain communication with the appellants and did not inform them regarding the steps necessary for filing the appeal within the period prescribed. He submits that the delay was neither intentional and nor deliberate.

3. He submits that the appellants despite facing financial hardships, have been solely managing the household and taking care of their ailing mother, who has been suffering from a spinal condition, which has further added to the delay in filing the present appeal.

4. At the outset, it is pertinent to note that the accident took place on 15.12.2021. The learned Tribunal *vide* the impugned award, granted compensation in favour of the injured/ Respondent No. 1, directing the insurance company to pay the said amount to Respondent No. 1, with liberty to recover the same from the appellants. It is apparent that the appellants did not file the appeal within the period prescribed under the MV Act.

5. The provisions of Section 173 of the MV Act which deals with appeals 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:

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



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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."

.....

6. 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 appellants are required to prove sufficient cause for the delay.

7. 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.

8. A bare perusal of the application shows that the appellants have pleaded only general and basic statements without placing any details of the previous counsel or any document showing any effort on part of the appellants to get the appeal filed in time. It is observed that neither the name of the previous lawyer is mentioned, nor any action is stated to have been taken against him for the negligence. This lack of detail is concerning because it is critical for the appellants to establish '*sufficient cause*' that prevented them from filing the appeal within the statutory



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

9. It is observed in a number of cases that the appeals are filed belatedly and the blame is put on the counsel for not taking appropriate steps in filing an appeal despite instructions. If such arguments are accepted by the Courts, the appeals would be filed even after decades, making a mockery of the judicial process.

10. 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)



11. 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)

12. Upon careful consideration, it is evident that the application filed by the appellants seeking condonation of delay is bereft of any such reasons disclosing any sufficient cause. The onus lies on the appellants to establish a credible and justifiable



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explanation for failing to file the appeal within the prescribed time frame.

13. It is to be kept in mind that the compensation awarded under the MV Act is a benevolent legislation to mitigate the sufferings of persons who have been impacted by a motor accident, and have suffered loss of earning capacity, besides suffering other non-pecuniary losses. The unexplained delay in filing the appeal, reflects a lack of diligence and seriousness on the part of an appellant, undermining the purpose of such welfare-oriented legislation.

14. In view of the above, this Court finds no reason to interfere with impugned award since the averments made in the application seeking condonation of delay are not sufficient to hear the appeal on merits.

15. The present application is dismissed.

MAC.APP. 42/2025 & CM APPL. 2876/2025 (stay)

16. The present appeal also stands dismissed on ground of delay.

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

AMIT MAHAJAN, J

JANUARY 22, 2025