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PRASHANT DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1916 of 2024

Kamta Prasad Sahu S/o Dhaniram Aged About 34 Years R/o Village Post And P.S. Hirri, Tahsil Bilha, District Bilaspur, Chhattisgarh. (Claimant)

... Appellant

versus

1 - Anuj Minj S/o Benetik Aged About 22 Years R/o Near Talav, Saktipara Ambikapur, P.S. And District Ambikapur, Chhattisgarh. At Present Address Mandir Chowk, Sindhi Colony, Near Mama Hostel Bilaspur, P.S. Civil Line, Tahsil And District Bilaspur, Chhattisgarh. (Driver Of Vehicle Motorcycle Bearing Registration C.G.-15/ C.Q.-2228)

2 - Anurag Khes S/o Astus Khes Aged About 25 Years R/o Bilaspur Chowk Ambikapur, Tahsil And District Ambikapur Chhattisgarh. At Present Address Kalendri Kunju Ring Road No. 02, Behind R.B. Hospital P.S. Civil Line, Tahsil And District Bilaspur, Chhattisgarh. (Driver Of Vehicle Motorcycle Bearing Registration C.G.-15/ C.Q.-2228)

... Respondent(s)

For Appellant	:	Mr. Ajeet Kumar Yadav, Advocate
For Respondents	:	Notice unserved

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

03/11/2026

1. Heard on I.A. No.01/2024, application under Section 5 of the Limitation Act, 1963 for condonation of delay in filing the appeal.

2. The appellant/claimant have preferred the present appeal under Section 173 of the Motor Vehicles Act, 1988, assailing the award dated 19/07/2019 passed by the Eighth Motor Accident Claims Tribunal, Bilaspur (C.G.) in Claim Case No.651/2018, whereby the learned Claims Tribunal has awarded a total sum of Rs.2,76,234/- as compensation for the injury of Kamta Prasad Sahu, who injured in a road accident which took place on 15/04/2018.

3. The present appeal has been preferred by the appellant/claimant seeking enhancement of the compensation awarded by the learned Claims Tribunal.

4. The present appeal has been filed with a delay of 1073 days.

5. A perusal of the impugned award reveals that the claimant was duly represented before the Tribunal through a learned counsel. The award was passed on 19/07/2019. However, no steps were taken by the claimant to prefer the present appeal within the period prescribed under law.

6. In the application seeking condonation of delay, it has been pleaded that the appellant was not aware of the legal proceedings or the requirement to prefer an appeal before this Hon'ble Court. Further, during the COVID-19 pandemic, court proceedings remained suspended. After the situation returned to normal, the appellant contacted his local counsel, who advised him to prefer an appeal before this Hon'ble Court. Accordingly, the appellant applied for a certified copy of the impugned award and, upon receipt thereof, proceeded to file the present appeal. Hence, the present appeal has been filed with delay.

7. Recently, Hon'ble Supreme Court in the matter of **H. Guruswamy & Ors. vs. A. Krishnaiah Since Deceased by Lrs** reported in **(2025) 1 SCR 764** held that courts cannot use a "liberal approach" to condone inordinate & unjustified delays caused by a party's own negligence. Relevant paras of the aforesaid judgment are reproduced herein below:-

> 13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High Courts that the concepts such as "liberal approach", "Justice oriented approach", "substantial justice" should not be employed to frustrate or jettison the substantial law of limitation.
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> 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 litigant for an indefinite period of time.

8. The Award was passed on 19.07.2019, whereas the date of filing is 18.09.2024, resulting in a total delay of 1,888 days. However, after excluding the period consumed in obtaining the certified copy of the Award and the period covered by the COVID-19 pandemic, the remaining delay in filing works out to 1,073 days.

9. The explanation furnished by the appellant does not inspire confidence. The appellant has also failed to explain what prevented them from making timely enquiries regarding the filing of the appeal. It is, thus, evident, that the appellant remained inactive for a period of 1073 days (almost 3

years), which clearly reflects a lack of due diligence in pursuing the case. Given the substantial delay of 1073 days, the appellant has not provided sufficient justification for the inaction.

10. In the light of the principles laid down by the Hon'ble Supreme Court in the matter of **H. Guruswamy** (supra) and having regard to the facts and circumstances of the present case, this Court is of the opinion that the appellant has not explained the delay properly and satisfactorily. Hence, I.A. No.01/2024 deserve to be and is hereby rejected.

11. Consequently, the appeal, being barred by limitation, also stands **dismissed**.

12. No order as to costs.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE

Prashant