APHC010468822018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

MONDAY, THE 12th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL No.1733 OF 2018

Between:

1. ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION, REP. BY ITS MANAGING DIRECTOR, MUSHEERABAD, HYDERABAD.

...APPELLANT

AND

1. THALONI SAMBRAJYAM, W/O.KUMAR RAJU, AGED ABOUT 44 YEARS, OCC-HOUSEWIFE, R/O.FLAT.NO.102, KIDAMBI RESIDENCY, R.AGRAHARAM, GUNTUR, GUNTUR DISTRICT.
2. THALONI KUMAR RAJU DIED, THALONI KUMAR RAJU (DIED).
3. THALONI SIVA NAGA RAJU, S/O.KUMAR RAJU, AGED ABOUT 30 YEARS, OCC-EMPLOYEE, RIO.FLAT.NO.102, KIDAMBI RESIDENCY, R.AGRAHARAM, GUNTUR, GUNTUR DISTRICT.
4. THALONI VIJAYA DURGA, W/O.PERAM VENKATESWARLU, AGED ABOUT 28 YEARS, OCC-HOUSEWIFE, R/O.FLAT.NO.102, KIDAMBI RESIDENCY, R.AGRAHARAM, GUNTUR, GUNTUR DISTRICT.
5. THALONI VIJAYA DURGA, W/O.PERAM VENKATESWARLU, AGED ABOUT 28 YEARS, OCC-HOUSEWIFE, R/O.FLAT.NO.102, KIDAMBI RESIDENCY, R.AGRAHARAM, GUNTUR, GUNTUR DISTRICT.

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtto allow the MACMA by setting aside the Order and Decree dated 01-04-2015 passed in M.V.O.P.No.606 of 2012 on the file of the Court of the Motor Vehicle Accident Claims Tribunal-cum-XII Additional District Judge, Guntur District and pass

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 1142 days in filing the appeal against the Order and Decree dated 01-04-2015 passed in M.V.O.P.No.606 of 2012 on the file of the Court of the Motor Vehicle Accident Claims Tribunal-cum-XII Additional District Judge, Guntur District and pass

IA NO: 2 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings pursuant to the Order and Decree dated 01-04-2015 passed in M.V.O.P.No.606 of 2012 on the file of the Court of the Motor Vehicle Accident Claims Tribunal-cum¬XII Additional District Judge, Guntur District including the execution proceedings, pending disposal of the above M.A.C.M.A and pass

Counsel for the Appellant:

1. P VENKATA RAO SC For APSRTC

Counsel for the Respondent(S):

1. KOMMAREDDY DIVAKARA REDDY

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

I.A. No.1 of 2018

IN/ AND

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 1733 OF 2018

JUDGMENT:

The respondent, APSRTC, filed I.A. No.1 of 2018 under Section 5 of the Limitation Act seeking condonation of delay of 1142days in filing an appeal against the order dated 01.04.2015 passed in M.V.O.P. No. 606 of 2012 by the Motor Accident Claims Tribunal, Guntur, which awarded ₹13,87,504 as compensation for the death of Thaloni Venkata Raju in an accident on 12.02.2012.

2. At the culmination of trial, the tribunal allowed the claim petition and awarded compensation of Rs.13,87,504/- to the respondents/claimants vide order and decree dated 01.04.2015.

3. It is stated in the affidavit filed in support of the petition that the parties obtained certified copies of the order and decree on 08.07.2015. On receipt of copy of the Judgment, the matter referred by Personnel Officer to the Law Officer and the Senior Law Officer and that, owing to administrative reasons, the appeal could not be filed within the prescribed period, and the delay was neither intentional nor deliberate.

4. Heard Sri N.S.Rupesh, learned counsel for the petitioners/ APSRTC and Sri Kommareddy Diwakar Reddy, learned counsel for respondent No.2. Perused the material available on record.

5. Learned counsel for respondent No.2 would argue that there are no reasons to condone the abnormal delay of 1142 days and entertaining this petition is nothing but abuse of process of law.

6. The point for consideration is whether the petitioner has established sufficient cause for condoning the inordinate delay of 1142 days in filing the appeal.

7. Section 5 of the Limitation Act empowers the Court to condone delay only where the applicant satisfies the Court that sufficient cause prevented the institution of the appeal within the prescribed period. The expression “sufficient cause” is to be applied in a justice-oriented manner, but the discretion is not unfettered. The applicant must place a reasonable, bona fide and acceptable explanation for the delay; the mere assertion that the delay was not intentional or deliberate does not, by itself, constitute sufficient cause.

8. In ***Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy***[1], the Hon’ble Supreme Court reiterated that the length of delay is not, by itself, decisive, but the acceptability of the explanation is the governing consideration. The Court also cautioned against a lackadaisical approach and emphasised that a liberal approach cannot be equated with granting condonation as a matter of course. Similarly, in ***Basawaraj v. Special Land Acquisition Officer***[2], the Supreme Court held that where sufficient cause is not shown, the Court has no discretion to condone the delay merely on equitable considerations. In ***Lanka Venkateswarlu v. State of Andhra Pradesh***[3], it was held that a liberal approach cannot be adopted so as to render the law of limitation ineffective.

[1] (2013) 12 SCC 649
[2] (2013) 14 SCC 81
[3] (2011) 4 SCC 363

9. In the present case, the petitioner admittedly obtained the certified copies of the order and decree on 01.04.2015. Nevertheless, the appeal was not preferred within the prescribed period and there is a substantial delay of 1142 days. The explanation offered is essentially that the papers moved between the standing counsel and the legal department and that the delay occurred due to administrative reasons. The affidavit does not disclose any specific or unavoidable circumstances which prevented the petitioner from taking steps to institute the appeal within the prescribed period, nor does it satisfactorily explain the entire period of 1142 days.

10. A litigant is expected to remain vigilant and to take reasonable steps to ascertain whether the proceedings entrusted to counsel have been instituted. Though an act or omission of counsel may, in an appropriate case and on proof of bona fides, constitute a relevant circumstance, a general plea of misplacement of files or administrative inconvenience cannot automatically absolve the litigant of the obligation to explain prolonged inaction. In ***Postmaster General v. Living Media India Limited***[4], the Supreme Court disapproved routine explanations for delay and reiterated that the law assists those who are vigilant, not those who sleep over their rights. The principle applies to the present case, where no particulars or supporting material have been furnished to show continuous diligence on the petitioner's part.

11. The delay here is not a short or marginal one; it is an extraordinary delay of 1142 days. The explanation offered is general and leaves substantial periods unexplained. The statement that the delay was not deliberate is insufficient when the facts pleaded do not establish sufficient cause. Condonation cannot be granted solely on sympathy or on the possibility that the appeal may raise

[4] (2012) 3 SCC 563

arguable issues. The Court must balance the preference for adjudication on merits against the statutory requirement of limitation and the need for finality in litigation.

12. This Court is conscious that the matter arises out of a motor accident claim and that the petitioner seeks to challenge the compensation awarded by the Tribunal. Nevertheless, the nature of the proceedings does not dispense with the requirement to establish sufficient cause under Section 5 of the Limitation Act. On the facts pleaded, the petitioner has failed to explain the prolonged delay with the necessary particulars or to demonstrate that he acted diligently throughout the relevant period. The inordinate and inadequately explained delay, therefore, cannot be condoned.

13. In view of the foregoing discussion, this Court finds no sufficient cause to condone the delay of 1142 days in filing the appeal. Consequently, I.A. No.01 of 2018 is liable to be dismissed.

14. Accordingly, I.A. No.01 of 2018 is dismissed.

15. In view of the dismissal of I.A. No.01 of 2018, this appeal is dismissed as infructuous. There shall be no order as to costs.

As a sequel thereto, pending miscellaneous petitions, if any shall stand closed.

SUNITHA GANDHAM,J

Date: 12.10.2026
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