APHC010953842018

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: 3344/2018

Between:

1. PONTHANGI SOLEMN RAJU, S/O.SIVAIAH, AGED ABOUT 27 YEARS. SAKAMURU VILLAGE, THULLUR MANDL, GUNTUR DISTRICT.

...APPELLANT

AND

1. J UDAY KUMAR, S/O.SANTAIAH, OWNER OF AUTO AP-07-TT-6019, D.NO.1-1258, MANAGALAGIRI, MANGALAGIRI MANDAL, GUNTUR DISTRICT.
2. IFFCOTOKIO GENERAL INSURANCE CO LTD, REP. BY ITS DIVISIONAL MANAGER, 4TH FLOOR, LOHYA TOWERS, VIJAYAWADA-8.

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtagainst the order passed in M.V.O.P. No.845 of 2008, dated 14.9.2010 passed by the Motor Vehicles Accidents Claims Tribunal-Cum-V Additional District Judge (F T.C.), Guntur 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 2905 days in filing the MACMA and to pass

Counsel for the Appellant:

1. A RAJENDRA BABU

Counsel for the Respondent(S):

1. GUDI SRINIVASU
2.

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: 3344 OF 2018

JUDGMENT:

The petitioner/appellant has filed I.A. No.1 of 2018 under Section 5 of the Limitation Act, 1963, seeking condonation of a delay of 2,905 days in filing the present appeal against the judgment and decree dated 14.09.2010 passed in M.V.O.P. No.845 of 2008 by the Motor Vehicles Accident Claims Tribunal-cum-V Additional District Judge (Fast Track Court), Guntur. By the said judgment, the Tribunal partly allowed the claim petition and awarded compensation of Rs.65,000/- for the injuries sustained by the petitioner in the motor vehicle accident that occurred on 23.04.2008.

2. The petitioner states in the affidavit filed in support of the application that he obtained certified copies of the judgment and decree on 04.10.2010. According to him, he approached his counsel in May 2011 with a view to preferring an appeal. Owing to domestic problems, he could not contact counsel immediately and, on advice, approached an advocate at Hyderabad in June 2011 and handed over the papers for filing the appeal. It is further stated that, during the shifting of the advocate's office, the files got mixed up and, for that reason and other administrative reasons, the appeal could not be filed within the prescribed period. The petitioner asserts that the delay was neither wilful nor deliberate.

3. Heard Sri A. Rajendra Babu, learned counsel for the petitioner/appellant. There is no representation on behalf of the respondents. Perused the affidavit and the material available on record.

4. The point for consideration is whether the petitioner has established sufficient cause for condoning the inordinate delay of 2,905 days in filing the appeal.

5. 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.

6. 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.

7. In the present case, the petitioner obtained the certified copies on 04.10.2010. His own explanation is that he approached counsel in May 2011 and handed over the papers to an advocate at Hyderabad in June 2011, but the appeal was not filed because the files were mixed up when the advocate's office was shifted. The affidavit does not state when the petitioner followed up with the advocate, when he discovered that the appeal had not been filed, what steps he took thereafter, or why he remained inactive for the substantial period that followed. Thus, the explanation does not account for the entire period of 2,905 days and does not disclose circumstances that prevented him from acting with reasonable diligence.

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

8. 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.

9. The delay here is not a short or marginal one; it is an extraordinary delay of 2,905 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 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.

10. 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.

[4] (2012) 3 SCC 563

11. For the foregoing reasons, this Court holds that the petitioner has not made out sufficient cause for condoning the delay of 2,905 days in filing the appeal. I.A. No.1 of 2018 is accordingly dismissed.

12. In consequence, M.A.C.M.A. No.3344 of 2018 is dismissed as barred by limitation. There shall be no order as to costs.

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

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SUNITHA GANDHAM,J

Date: 12.10.2026
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