IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

I.A. No. 2 of 2024 in/andMACMA No.1026 of 2024

AND

I.A. No. 3 of 2025 in/and MACMA No. 1583 of 2025

I.A. No. 2 of 2024In/AndMACMA No.1026 of 2024

Between:

Ameena Firdouse, and another

… Petitioners

And

M/s Binjusaria Sponge and Power Pvt. Ltd., and another

… Respondents

I.A. No. 3 of 2025 in/and MACMA No. 1583 of 2025

Between:

Ameena Firdouse

… Petitioner

And

M/s binjusaria Sponge and Power Pvt. Ltd., and others

… Respondents

Reserved on: 25.08.2026

Pronounced on: 27.10.2026
Uploaded on: 27.10.2026

COMMON ORDER:

In view of the commonality of the accident involved, these matters are taken up together for hearing and disposal by way of this common order.

1.1. I.A. No. 2 of 2024 in MACMA No. 1026 of 2024 is filed seeking to condone the delay of 5183 days in filing the appeal against the Award passed by the Motor Accident Claims Tribunal in O.P. No. 774 of 2007, dated 19.10.2009. By the said Award, the Tribunal granted compensation of Rs.6,00,000/- to Claimant No.1 (appellant herein), Ameena Firdouse, on account of the death of her father, Mr. Habeebuddin, in a motor vehicle accident that occurred on 15.12.2005 at IDA Mallapur Bridge, on Mallapur-Nacharam Road, while the deceased was travelling with her husband on a motorcycle bearing No. AP-28-AD-8171, which was dashed against by a Tipper bearing No. AP-10-AT-T/R-0433.

1.2. I.A. No. 3 of 2025 in MACMA No. 1583 of 2025 is filed seeking to condone the delay of 5387 days in filing the appeal against the Award passed by the Tribunal in O.P. No. 773 of 2007, dated 19.10.2009. By the said Award, the Tribunal granted compensation of Rs.4,50,000/- to Claimant No.1 (appellant herein) on account of the death of her mother, Mrs. Shabana Khatoon.

1.3. The appellant herein is Claimant No.1 before the Tribunal. She was a minor, aged about 3 years at the time of filing of the claim petitions before the Tribunal, and therefore, her maternal grandparents represented her in their capacity as guardians and pursued the cases on her behalf.

2. Heard Mr. Jagathpal Reddy Kasi Reddy, learned counsel for the appellant-claimant, and Mr. C.V. Rajeeva Reddy, learned Standing Counsel for respondent No.2-insurance company. Perused the record.

3. Learned counsel for the appellant-claimant would contend that the claimant herein was a minor, aged about 3 years at the time of filing of the claim petitions in 2007, and her guardians did not file appeals against the Awards passed by the Tribunal at the relevant time. However, upon the claimant attaining the age of majority in 2023, she filed the present appeals within a period of three months after obtaining certified copies of the Awards passed by the Tribunal. It is contended that the Motor Vehicles Act is a beneficial legislation, that the delay can be condoned irrespective of its length, and that the rules of limitation are not meant to destroy the rights of the parties. Learned counsel relies on **Sandhya Rani Debbarma v. National Insurance Co. Ltd**[1], **Mool Chandra v. Union of India**[2], **N. Balakrishnan v. M. Krishnamurthy**[3]**.**

4. Per contra, learned Standing Counsel, Mr. C.V. Rajeeva Reddy, appearing for respondent No.1-insurance company, would contend that there is an abnormal delay of over 14 years in filing the appeals against the impugned Award, and that the reasons furnished by the appellant-claimant, namely, that she was a minor, that her guardians could not file the appeals at the relevant time, and that she is now filing the appeals after attaining the age of majority, cannot constitute 'sufficient grounds' to condone the delay of 14 years in filing the appeals. He relies on **Pathapati Subba Reddy v.**

[1] 2016 ACJ 2717
[2] (2025) 1 SCC 625
[3] (1998) 7 SCC 123

Special Deputy Collector (LA)[4], **New India Assurance Co. Ltd. V. Gopu**[5], **Union of India v. Jahangir Byramji Jeejeebhoy**[6].

5. Having considered the respective submissions and perused the record, at the outset, the occurrence of the accident on 15.12.2005 between the motorcycle and the Tipper, and the death of the deceased persons in the said accident, are not in dispute. Separate claim petitions were filed in O.P. No. 773 of 2007 and O.P. No. 774 of 2007 before the Tribunal, claiming compensation for the death of the father and mother of the appellant-claimant in the said accident. The Tribunal examined PWs.1 to 3 on behalf of the claimants in both the claim petitions and considered the documentary evidence filed in support of the claim petitions. PW.1 is Mr. Mohd. Khaleel Ur Rahman, and PW.2 is Mrs. Sajida Banu, wife of Mr. Mohd. Khaleel Ur Rahman. They are the guardians/grandparents of the appellant herein. The Tribunal considered the professions of the deceased persons and also the documentary evidence, namely, the FIR copy, charge sheet, salary certificate, etc., and, upon consideration of the evidence on record, granted compensation of Rs.4,50,000/- to the appellant-claimant on account of the death of her mother and Rs.6,00,000/- on account of the death of her father.

6. The accident occurred in the year 2005, the claim petitions were filed in 2007, and the Award was passed by the Tribunal in 2009. The record reveals that the grandparents of the appellant-claimant pursued the matter and testified before the Tribunal, and the advocate who represented them before the Tribunal is the same advocate who is representing them in these appeals.

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[4] (2024) 12 SCC 336
[5] 2025 SCC OnLine SC 908
[6] 2024 SCC OnLine SC 489

7. Though the learned counsel for the appellant contends that the claimant was a minor and that her guardians could not file the appeals, it is not discernible from the record as to what prevented them from filing the appeals at the relevant time or during all these intervening years until now, more particularly when they pursued the proceedings before the Tribunal, had sufficient knowledge of the proceedings, and had legal counsel to advise them. The cause title in MACMA No. 1583 of 2025 reveals that the guardians, i.e., Mr. Mohd. Khaleel Ur Rahman and Mrs. Sajida Banu, who were arrayed as Claimants No. 2 and 3 in O.P. No. 773 of 2007 before the Tribunal, have been arrayed as party respondents No. 3 and 4 in the appeal. Likewise, Mrs. Azamathunnisa Begum (since deceased), arrayed as Claimant No. 2 in O.P. No. 774 of 2007 before the Tribunal, has been shown as party respondent No.5 in MACMA No. 1583 of 2025. The parties who contested the case before the Tribunal and the advocate on record are one and the same, and therefore, there cannot be any grounds of lack of knowledge of the proceedings, lack of legal advice, or lack of representation. The only apparent and presumable ground is lack of due diligence, which does not fall within the ambit of 'sufficient reasons' to condone the delay of over 14 years.

8. Though the Motor Vehicles Act is a beneficial legislation and a certain degree of liberal approach has to be adopted while dealing with the aspect of delay in filing appeals, the delay cannot be so inordinate or indefinite without sufficient cause. Merely pleading that the claimant was a minor at the time of the accident cannot, by itself, constitute 'sufficient cause' to condone a delay of over 14 years, when she was represented throughout before the Tribunal and the same advocate represented her before the Tribunal and also in these appeals, and her guardians are alive

and have also been arrayed as party respondents in these appeals. Therefore, in the instant case, the only legal presumption that could be drawn is that the parties had sufficient knowledge of the proceedings, and the engagement of an advocate to represent their case shows that they were legally represented and advised throughout before the Tribunal and also in the appeals. Therefore, there is no reason to adopt a 'wait and watch' approach for over 14 years before filing the appeals. If the ground that the claimant was a minor and could not file the appeals for 14 years until she attained majority is accepted, more particularly when the claimant was legally represented before the Tribunal by her guardians, it would amount to stretching the principle of liberal approach beyond reasonable limits, thereby virtually permitting the floodgates to be opened for litigants to revive cases after decades of attaining finality and closure.

9. In that view of the matter, this Court does not find the pleaded grounds to constitute "sufficient reasons" to condone the delay of over 14 years.

10. Accordingly, the interlocutory applications are dismissed. The appeals also stand dismissed in consequence. No costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE NAGESH BHEEMAPAKA

27th October, 2026

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