

FAO-5178, 5193 & 5224-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

I.

CMs-17307 to 17309-CII-2025 and
FAO-5178-2025

Kuldeep

.... Appellant

Vs.

Raj Kumar and others

.... Respondents

II.

CMs-17328 to 17330-CII-2025 and
FAO-5193-2025

Om Prakash Singh

.... Appellant

Vs.

Raj Kumar and others

.... Respondents

III.

CMs-17443 to 17445-CII-2025 and
FAO-5224-2025

Jogender Singh

.... Appellant

Vs.

Raj Kumar and others

.... Respondents

Date of decision: 09.01.2026

CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

Present: - Ms. Mansi, Advocate, for
Mr. Bhisham Kumar Majoka, Advocate, for the appellant.

DEEPAK GUPTA, J.

All the three appeals arise out of the same motor vehicular accident, which occurred on 10.07.2018, in which the appellants namely Kuldeep, Om Parkash Singh and Jogender Singh sustained injuries allegedly

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due to rash and negligent driving of pickup vehicle bearing registration No. HR-19M-8012.

2. Separate claim petitions were filed by them before the Motor Accident Claims Tribunal, Narnaul, which were disposed of by a common award dated 14.11.2019. The Tribunal awarded compensation of ₹10,000/- each along with interest, payable jointly and severally by the driver, owner and insurer of the offending vehicle.

3. Aggrieved, the present appeals have been filed seeking enhancement of the compensation.

4. Along with FAO-5178-2025, applications have been filed seeking condonation of delay of 28 days in filing the appeal and 1220 days in refiling the appeal. Similar applications have been filed in FAO-5193-2025 seeking condonation of delay of 32 days in filing and 1220 days in refiling; and in FAO-5224-2025 seeking condonation of delay of 28 days in filing and 1221 days in refiling.

5. The explanation offered in all the applications is identical. It is pleaded that the appellants could not approach their counsel immediately and, therefore, could not come to know about the decision of the Tribunal. After arranging funds, counsel was engaged and the appeals were filed, the initial delay being less than one month. It is further pleaded that after the appeals were filed on 27.07.2020, objections were raised by the Registry on 16.09.2021 and the files were returned. The appeals were again refiled on 21.12.2024, whereafter objections were raised once more and the files were returned. The delay of more than three years in refiling is sought to be explained on the ground that the paper-books were misplaced in the office of the counsel, as the clerk had inadvertently placed them in the brief of some other case. The applications are supported by an affidavit of the clerk of the counsel.

6. After hearing learned counsel and considering the explanation furnished, this Court is not persuaded to condone the inordinate delay of more than three years in refiling the appeals. Though courts adopt a liberal

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approach while considering applications for condonation of delay in motor accident claim matters, such liberality is not unbounded and cannot be extended to cases of gross negligence, prolonged inaction or lack of bona fides. The law of limitation is founded on public policy and cannot be diluted merely on sympathetic or equitable considerations.

7. The distinction between delay in filing and delay in refiling is well recognised. While some latitude may be shown in refiling, the party seeking condonation is still required to offer a cogent and satisfactory explanation covering the entire period of delay. Casual or vague explanations cannot constitute “sufficient cause”. Hon’ble Supreme Court has consistently held that negligence, inaction or lack of diligence cannot be condoned under the guise of a justice-oriented approach, and that courts must be vigilant to ensure that limitation does not become illusory.

8. In the present case, the explanation that the paper-books were misplaced by the clerk of the counsel is wholly inadequate and unsupported by any material particulars. No details have been furnished as to when the files were misplaced, when the loss was discovered, what steps were taken to trace them, or why no corrective action was taken for more than three years. Equally significant is the complete absence of any explanation showing that the appellants made even a single effort to enquire about the status of their appeals during this prolonged period. A litigant is expected to remain vigilant and cannot absolve himself of responsibility by shifting the entire burden onto the counsel or the clerk.

9. Accepting such explanations would amount to placing a premium on negligence and would defeat the very purpose of the law of limitation. The explanation offered appears to be a convenient and concocted plea, advanced only to overcome the bar of limitation, and does not inspire confidence.

10. In view of the settled legal position and the unexplained, inordinate delay of more than three years in refiling the appeals, this Court is of the considered opinion that no sufficient cause has been shown for

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condonation of delay. Consequently, the applications seeking condonation of delay are dismissed.

11. As a necessary corollary, FAO-5178-2025, FAO-5193-2025 and FAO-5224-2025 are dismissed as being barred by limitation.
12. Pending application (s), if any, also stand disposed of. A photocopy of this order be placed on the file of the connected cases.

09.01.2026
Vivek

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether reportable	No