



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-8004-2015(O&M)

Date of decision: 17.03.2026

Surjit Singh & Others

...Appellant(s)

Vs.

Roshan Lal & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. D.B. Bhargav, Advocate
for the appellants.

NIDHI GUPTA, J.CM-25208-CII-2015

This is an application under Section 151 of CPC for condonation
of delay of 6630 days in re-filing the appeal.

The reason for condonation of such inordinate delay in filing the
present appeal is mentioned in Para 2 of the application, which is as under:-

"2. That the appeal had been prepared in time i.e. on 30th June, 1997 and filed the same at Sr. NO.15958 ON 4.7.1997 and thereafter refilled and returned after raised some objection by the registry but thereafter it was misplaced somewhere in the office and it was traced from decided brief when the Clerk was arranging decided files in vacation. The same has been re-filed in this Hon'ble Court. However, in the process the appeal has become time barred in re-filing by 6630 days."



The above-said explanation given by the applicants/appellants is cryptic and does not constitute sufficient cause to condone the inordinate delay of 6630 days in re-filing the appeal. It is not even mentioned in the application as to on which date the misplaced file was traced and by whom. In recent years, the Hon'ble Supreme Court has come down heavily on the malaise of lackadaisical litigants. It is to be appreciated that over a period of time the rights of the parties get crystallised. It is, therefore, the bounden duty of every litigant to pursue his case diligently; as it is also the bounden duty of this Court to ensure that justice inures to both parties concerned. This is the very purpose of the law of limitation. Delay in pursuing a remedy is prejudicial to the rights of the other party. The Apex Court has also taken due note of the fact that over a period of time, rights of parties get crystallised. Reference in this regard is made to a recent judgment of the Hon'ble Supreme Court in **Union of India v. Jahangir Byramji Jeejeebhoy (SC) : Law Finder Doc Id # 2537649**, decided on 03.04.2024, as under:-

“25. It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the respondent has not been able to reap the



fruits of his decree. It would be a mockery of justice if we condone the delay of 12 years and 158 days and once again ask the respondent to undergo the rigmarole of the legal proceedings.

26. The length of the delay is 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 appellants, it appears that they want to fix their own period of limitation for 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.

27. 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. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants

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35. *In a plethora of decisions of this Court, it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case.*

(Emphasis added)

Again, in **Pathapati Subba Reddy (Died) by LRs and others vs. The Special Deputy Collector (LA)**, Law Finder Doc Id # 2542600, the Hon'ble Supreme Court has recently held as under: -

"26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to



defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

(v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

(vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

(vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.”

(Emphasis added)

I am in complete agreement with the above view expressed by the Hon’ble Apex Court. In the present case, as already noted above, no cogent or plausible explanation has been given by the applicant for condonation of aforesaid inordinate and un-explained delay in re-filing the present appeal. The applicant-appellant has also exhibited rank casualness and carelessness in pursuing the present appeal as there is nothing on record to indicate that the applicant had approached the learned counsel regarding



the status or stage of the appeal. In this regard, reference may be made to judgment of the Delhi High Court in “**Moddus Media Pvt. Ltd. v. M/s. Scone Exhibition Pvt. Ltd., (Delhi) : Law Finder Doc Id # 887148**, wherein it has been held that:

“11. The litigant owes a duty to be vigilant of his rights and is also expected to be equally vigilant about the judicial proceedings pending in the court of law against him or initiated at his instance. The litigant cannot be permitted to cast the entire blame on the Advocate. It appears that the blame is being attributed on the Advocate with a view to get the delay condoned and avoid the decree. After filing the civil suit or written statement, the litigant cannot go off to sleep and wake up from a deep slumber after passing a long time as if the court is storage of the suits filed by such negligent litigants. Putting the entire blame upon the advocate and trying to make it out as if they were totally unaware of the nature or significance of the proceedings is a theory put forth by the appellant/applicant/defendant company, which cannot be accepted and ought not to have been accepted. The appellant is not a simple or rustic illiterate person but a Private Limited Company managed by educated businessmen, who know very well where their interest lies. The litigant is to be vigilant and pursue his case diligently on all the hearings. If the litigant does not appear in the court and leaves the case at the mercy of his counsel without caring as to what different frivolous pleas/defences being taken by his counsel for adjournments is bound to suffer. If the litigant does not turn up to obtain the copies of judgment and orders of the court so as to find out what orders are passed by the court is liable to bear the consequences.”

In this regard, reliance may also be placed upon recent judgment of Hon’ble Supreme Court in “**Shivamma (Dead) by LRs Vs. Karnataka Housing Board & Others**” Civil Appeal No.11794 of 2025 decided on



12.09.2025. To condone such an inordinate delay, would be tantamount to declaring the Law of Limitation as redundant; and would also be prejudicial to the rights of the opposite party.

Accordingly, the present application stands **dismissed**.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.3,40,000/- awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter 'the learned Tribunal') vide Award dated 21.03.1997 passed in MACT Case No.5 dated 29.02.1996 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the parents and 3 minor children of the deceased.

2. In respect of an accident dated 12.2.1996; and an Award dated 21.3.1997, present appeal has been filed only in the year 2015. A perusal of the Grounds of Appeal reveals that the only ground on which enhancement of compensation is sought is that in actual fact, age of the deceased was 38 years at the time of accident; however, Tribunal has taken it to be 41 years; and therefore, multiplier of 14 has been wrongly applied.

3. There is no merit to the said contention of the appellant, as the record reveals that age of deceased was determined to be 41 years at time of accident on the basis of his Matriculation Certificate, Exhibit P1, wherein date of birth of deceased is shown to be 10.2.1955. Clearly, therefore, multiplier of 14 has been correctly applied.



4. Further, Tribunal has determined income of the deceased as ₹3200 per month as per pleadings; and as per the salary disbursement register of the HSMITC Karnal/exhibit P3 and exhibit P4. After making the necessary deductions as per law, Tribunal had determined income of the deceased to be ₹3200 per month, as was also pleaded by the claimants. As there were five claimants, Tribunal had calculated dependency to be ₹2000/- per month. Further, multiplier of 14 was applied; and as per the law prevailing at the time, ₹2000/- was granted towards funeral expenses; and ₹2000/- for transportation, thereby granting total compensation of ₹3,40,000/- along with interest at the rate of 12% per annum.

5. Clearly, therefore, appellants have been granted a just and fair compensation as per the facts and circumstances of the case.

6. Accordingly, the present appeal is **dismissed**, on merits as well as on grounds of delay.

7. Pending application(s) if any also stand(s) disposed of.

17.03.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No