



FAO-5522-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5522-2025 (O&M)
Date of decision: 09.01.2026

Manpreet Kaur and others

. . . . Appellants

Vs.

Lalit Kumar and another

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Baljinder Singh Virk, Advocate, for the appellants.

DEEPAK GUPTA, J.

Harbhajan Singh lost his life in a motor vehicular accident that occurred on 28.02.2012. A claim petition under Section 166 of the Motor Vehicles Act, 1988 was filed by his legal representatives, which was allowed by the Motor Accident Claims Tribunal, Karnal. Vide award dated 23.11.2021, read with order dated 20.01.2022, compensation to the tune of ₹23,31,700/- was awarded in favour of the claimants.

2. The present appeal has been filed seeking enhancement of the compensation amount. Along with the appeal, the appellants have moved an application bearing CM-18766-CII-2025 under Section 5 of the Limitation Act, 1963, seeking condonation of a delay of **1185 days** in filing the appeal.

3. It is pleaded in the application that the appellants are not well versed with legal technicalities relating to limitation. It is stated that the certified copy of the award was obtained on 03.02.2022 and was handed over to a relative for engaging a counsel to file the appeal before this Court. Subsequently, upon enquiry, the appellants allegedly came to know that the said relative had misplaced the documents. After the documents were traced, the appeal was filed, resulting in the delay. It is asserted that the delay is

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neither intentional nor deliberate. The application is supported by an affidavit of Manpreet Kaur, one of the appellants.

4. This Court has heard learned counsel for the appellants and has carefully examined the application seeking condonation of delay along with the affidavit filed in support thereof.

5. The delay in the present case is of more than three years, which is substantial and calls for a strict scrutiny of the explanation offered. It is well settled that while courts may adopt a liberal approach in condoning delay, particularly in motor accident claims, such liberality cannot be stretched to condone gross negligence, inaction, or lack of bona fides.

6. Upon perusal of the application, this Court finds that the explanation offered is vague, bald, and lacking in material particulars. It has not been pleaded as to:

- the name or identity of the relative to whom the documents were allegedly handed over;
- the date on which the certified copy of the award was given to such relative;
- the place where the documents were allegedly kept or misplaced; and
- the date on which the documents were traced and returned.

7. No explanation whatsoever has been offered as to why the appellants did not make any enquiry regarding the status of the appeal for an inordinately long period of over three years. The pleadings do not disclose even a single step taken by the appellants to pursue the matter with diligence.

8. The plea that the appellants were unaware of the law of limitation is wholly untenable. Ignorance of law is not a ground for condonation of delay. The explanation furnished appears to be a convenient narrative, put forth only to overcome the bar of limitation, and does not inspire confidence.



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9. The affidavit filed in support of the application merely reiterates the contents of the application and does not supply any missing particulars or documentary support. In the absence of a cogent, credible, and satisfactory explanation covering the entire period of delay, this Court finds no sufficient cause within the meaning of Section 5 of the Limitation Act.
10. In view of the aforesaid discussion, this Court is of the considered opinion that the appellants have failed to show sufficient cause for condonation of the inordinate delay of 1185 days in filing the appeal.
11. Accordingly, the application for condonation of delay bearing CM-18766-CII-2025 is dismissed.
12. Consequently, the appeal bearing FAO-5522-2025, being barred by limitation, is also dismissed.

09.01.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>