

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**FAO-1344-2020 (O&M)
Date of decision: 01.07.2026

Raj Kumar

...Appellant

Versus

Charanjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Narender Kaajla, Advocate for the appellant.

Mr. Sanjeev Kodan, Advocate
for the Insurance Company.

DEEPAK GUPTA, J. (ORAL)

The present application (**CM-3754-CII-2026**) has been filed under Section 5 of the Limitation Act seeking condonation of 1285 days' delay in filing the accompanying appeal.

2. The appeal arises out of the award dated 11.02.2016 passed by the learned Motor Accident Claims Tribunal, Sangrur in MACT Case No.31 of 2013 titled "*Charanjit Kaur and others versus Dalvir Singh and others*". Vide the said award, compensation of ₹10,37,000/- along with interest was awarded to the claimants on account of the death of Bahadur Singh in a motor vehicular accident. Although the liability to satisfy the award was fastened upon the Insurance Company in the first instance, recovery rights were granted in its favour against respondents No.1 and 2, namely the driver and owner of the offending vehicle, on the finding that the driver was not holding a valid and effective driving licence at the relevant time.

3. Aggrieved only by the grant of recovery rights in favour of the Insurance Company, the owner of the offending vehicle has preferred the present appeal after a delay of 1285 days.

4. Learned counsel for the applicant-appellant submits that the



appellant is a rustic farmer and was unaware of the findings recorded by the learned Tribunal. It is contended that the counsel engaged before the Tribunal had assured the appellant that since all the documents pertaining to the vehicle were valid, he need not be concerned about the outcome of the case. It is further submitted that the appellant came to know about the recovery rights only after he was served in the appeal preferred by the claimants, namely FAO No.471 of 2017, wherein he appeared through another counsel on 16.10.2019. Thereafter, some further time was consumed in arranging the statutory deposit of ₹25,000/- required for filing the appeal. On these premises, prayer has been made for condonation of delay.

5. I have heard learned counsel for the applicant and have perused the record.

6. The application does not deserve acceptance.

7. It is well settled that though the expression "sufficient cause" occurring in Section 5 of the Limitation Act is to receive a liberal construction so as to advance substantial justice, such liberal approach does not dispense with the requirement of explaining the delay by furnishing a bona fide, reasonable and satisfactory explanation. The applicant must explain the delay for the entire period and demonstrate that despite exercising due diligence, he was prevented by circumstances beyond his control from approaching the Court within the prescribed period.

8. The Hon'ble Supreme Court in ***Basawaraj versus Special Land Acquisition Officer, (2013) 14 SCC 81***, has held that limitation may sometimes operate harshly, but the Courts have no power to extend the prescribed period on equitable grounds unless sufficient cause within the



meaning of Section 5 is established. Likewise, in ***P.K. Ramachandran versus State of Kerala, (1997) 7 SCC 556***, it has been held that the law of limitation has to be applied with all its rigour and Courts cannot condone delay merely on sympathetic considerations. Similar principles have been reiterated in ***Office of the Chief Postmaster General versus Living Media India Limited, (2012) 3 SCC 563***, wherein it has been observed that negligence, inaction or lack of bona fides cannot constitute sufficient cause for condonation of delay.

9. Examining the present case on the touchstone of the aforesaid principles, this Court finds that the explanation furnished by the appellant is wholly unsatisfactory.

10. A perusal of the award dated 11.02.2016 reveals that the appellant-owner was duly represented before the learned Tribunal through his engaged counsel. Once a litigant chooses to contest proceedings through an advocate, the knowledge of the proceedings and the judgment rendered therein is ordinarily attributable to the litigant himself. Therefore, the plea that the appellant remained unaware of the findings recorded in the award merely because he is a rustic farmer, cannot be accepted. A bald allegation that the counsel had assured him not to worry about the outcome of the case is equally insufficient, particularly when no material whatsoever has been placed on record to substantiate such assertion.

11. Even otherwise, according to the appellant's own showing, he admittedly acquired knowledge regarding the grant of recovery rights when he appeared in the connected FAO No.471 of 2017 on 16.10.2019. Despite such admitted knowledge, the present appeal was still not instituted within a reasonable time thereafter. The explanation that further time was consumed in arranging the statutory deposit of ₹25,000/- is vague and



wholly unsubstantiated. No particulars have been furnished indicating when the amount was arranged, what prevented the appellant from filing the appeal immediately thereafter, or how the remaining period of delay stands explained.

12. Significantly, the application is completely silent regarding substantial stretches of time. Thus, the explanation neither covers the entire period of delay nor reflects due diligence on the part of the appellant.

13. The law of limitation is founded on considerations of public policy so as to bring certainty and finality to judicial proceedings. Once valuable rights have accrued in favour of the opposite party by lapse of time, such rights cannot be defeated unless sufficient cause, as contemplated under Section 5 of the Limitation Act, is established. The discretionary jurisdiction vested in the Court cannot be exercised in favour of a litigant who has remained indolent and has failed to act with reasonable promptitude.

14. In the considered opinion of this Court, the reasons assigned by the appellant neither constitute sufficient cause nor inspire confidence so as to justify condonation of an inordinate delay of 1285 days. Entertaining such a stale appeal in the absence of any satisfactory explanation would virtually defeat the very object of the law of limitation.

15. Consequently, finding no merit in the present application, the same is hereby dismissed and consequent thereto, the appeal itself is dismissed being barred by limitation.

01.07.2026

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No