



FAO-15885-2018

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO-15885-2018 (O&M)

Pankaj Dhir and anr.

.....Appellants

VS.

Mohinder Singh and ors.

.....Respondents

Date of Reserve: 18.11.2025

Date of Pronouncement: 28.01.2026

Uploaded on:- 30.01.2026

Whether only the operative part of the judgment is pronounced? ***No***
Whether full judgment is pronounced? ***Yes***

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Parminder Singh, Advocate
for the appellants.

Mr. Anupam Singla, Advocate
for respondent No. 2.

Ms. Ishani Goyal and Ms. Ipshita Goyal, Advocate
for respondent-Insurance Company.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred by the appellants/claimants against the award dated 13.07.2018 filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal'), vide which the claim petition filed by them was dismissed.

FACTS NOT IN DISPUTE

2. Brief facts of the case are that on 15.10.1982, deceased Ashwani Kumar Dhir was going in Bus No: PUC-3454 from Sirhind to Patiala being driven by respondent no. I Mohinder Singh. The said bus met with an accident and thereafter, fell into Bhakhra Canal at Adampur Nirwana bridge. FIR No. 206 regarding the occurrence was registered on 15.10.1982 under sections 279, 338,



3. Upon notice of the claim petition, respondents appeared and denied the factum of accident/compensation.

4. From the pleadings of the parties, the Tribunal framed the following issues:-

- “1. Whether Ashwani Kumar Dhir son of Ved Parkash had suffered injuries in a motor vehicular accident, which took place on 15.10.1982 at about 5.45PM in the area of near Adampur Nirwana bridge of Bhakhra Sirhind. PS Sirhind, due to rash and negligent driving of Bus No. PUC-3454 by Mohinder Singh, respondent no I to which he succumbed? OPP*
- 2. Whether claimants/petitioners are entitled to recover any compensation, if so, to what amount and from whom? OPP*
- 3. Whether the claim petition is time barred? OPR*
- 4. Whether this Tribunal has no territorial jurisdiction to entertain and try the present petition? OPR*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim-petition. Hence the claimant/appellant filed the present appeal for grant of compensation.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

6. Learned counsel for the appellant–claimant contends that the learned Tribunal committed a grave error in dismissing the claim petition solely on the ground of delay of 36 years in its institution. He further contends that the learned Tribunal failed to appreciate the surrounding circumstances in a proper perspective. Learned counsel submits that the mother of the claimants, who was required to pursue the claim, was an illiterate lady, therefore, was neither aware of the legal remedy available to her nor in a position to approach the Tribunal within the prescribed time.

7. It is further contended that the present claim petition was instituted under the provisions of the Motor Vehicles Act, 1988, which does not prescribe



any period of limitation for filing a claim petition. In the absence of any statutory bar, the dismissal of the claim petition solely on the ground of delay is unsustainable in law. On these grounds, learned counsel prays that the present appeal be allowed and the impugned award be set aside.

8. Per contra, learned counsel for the respondent has vehemently supported the impugned award and argued that the learned Tribunal has rightly dismissed the claim petition. It is submitted that the accident in question occurred on 15.10.1982 and, therefore, the provisions of the Motor Vehicles Act, 1939 would be applicable. Under the said Act, a limitation period of six months was prescribed for filing a claim petition, with a limited power of condonation on sufficient cause being shown.

9. Learned counsel further submits that the claim petition has been filed after an inordinate and unexplained delay of 36 years, which renders it hopelessly barred by limitation. It is contended that no cogent or reasonable explanation has been furnished to justify such an extraordinary delay, nor is there any material on record to warrant condonation thereof. Accordingly, learned counsel prays for dismissal of the present appeal as being devoid of merit.

10. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

11. Before proceeding further, it would be relevant to reproduce the relevant portion of the impugned award:-

ISSUES No. 3 and 4

10. Since the accident in question had occurred more than 3 decades ago i.e. on 15/10/1982, it would be imperative to take up the issues No. 3 and 4 first of all. Perusal of the petition indicates that the present petition had been filed under section 166 of MV Act 1988 which came into force on 01/07/1989 i.e almost 7 years after the said accident



had occurred. As per section 217 of MV Act 1988, the earlier Act of 1939 and any law corresponding to that Act in force in any State immediately before the commencement of this Act in that State were repealed. The Act of 1939 thus was replaced by Act, 1988. The accident in the present case, which had taken place in the year 1992 would thus be governed by the Act of 1999 as the said matter was not pending in any of the courts in the time of commencement of the present Act of 1988, Section 110(3) of the Act of 1939, reads as hereunder

"(3) No application for such compensation shall be entertained unless it is made within 6 months of the occurrence of the accident: Provided that the Claims Tribunal may entertain application after the expiry of the said period of 6 months if it is satisfied that the applicant was prevented by sufficient cause from making the application in time".

11. The bare reading of the aforementioned provision clearly indicates that the limitation for filing a claim petition was 6 months after the date of accident which could be extended to another period of 6 months by the Tribunal if the petitioner was able to satisfy the Tribunal that he was prevented from some sufficient cause from filing the petition. But in the instant case the occurrence had taken place in 1982 and the petition was filed in the year 2015. The inordinate delay in filing the claim petition has not been explained satisfactorily by the petitioners. Otherwise also the period of limitation under the previous Act cannot be enlarged merely for the reason that the subsequent Act has no limitation prescribed after 1994 to file a claim petition. Hence the petition having been filed way beyond the period of limitation is hopelessly time-barred and issue No. 3, therefore, is decided against the petitioners.

12 Further as per Section 110 A(2) of the Act of 1939-



"(2) Every application under subsection (1) shall be made to the Claims Tribunal having jurisdiction over the area in which the accident occurred, and shall be in such form and shall contain such particular as may be prescribed"

13. In the instant case, the accident occurred nearby Adampur Nirwana bridge of branch Bhakhra, Sirhind. Sirhind was part of District Patiala when the accident in question had taken place. Had the petition been filed in 1982, or under the Act of 1939, it would have been filed in District Patiala. Thus the Tribunal at Patiala is competent to entertain the present claim petition. Hence issue No. 4 stands decided in favour of petitioners.

12. A perusal of the impugned award reveals that the learned Tribunal has dismissed the claim petition on the ground of inordinate delay and laches, after undertaking a detailed examination of the statutory framework and the undisputed facts of the case. The approach adopted by the learned Tribunal cannot be said to be either perverse or contrary to law.

13. It is an admitted and undisputed position on record that the accident in question occurred on 15.10.1982. It is equally undisputed that the claim petition came to be instituted only on 24.08.2015. Thus, there is a delay of approximately 32 years and 10 months in filing the claim petition.

14. No doubt, under the Motor Vehicles Act, 1988, as it presently stands, no specific period of limitation is prescribed for filing a claim petition. However, the absence of a statutory limitation does not confer an unfettered right upon a claimant to approach the Tribunal at any point of time, irrespective of delay. The doctrine of delay and laches continues to apply, and a claimant who invokes the jurisdiction of the Tribunal after an inordinate lapse of time is required to furnish a cogent, reasonable, and convincing explanation for such delay.



15. In the present case, the claimants have invoked Section 166 of the Motor Vehicles Act seeking compensation after more than three decades from the date of accident. By the time the claim petition was filed, the incident had faded into oblivion and the evidence necessary to adjudicate the claim both oral and documentary had, in all probability, been irretrievably lost. The claimants have failed to place on record any satisfactory or plausible explanation justifying such an extraordinary delay. A bald assertion regarding illiteracy or lack of awareness, without supporting material, cannot constitute “sufficient cause” to condone a delay of this magnitude.

16. The learned Tribunal has, therefore, rightly held that the claim petition is vitiated by gross delay and laches. The unexplained and inordinate delay of over three decades strikes at the very root of the claim and renders it untenable. In my considered view, such a “whopping” and unexplained delay non-suits the claimants and disentitles them to any relief under the Motor Vehicles Act.

17. In view of the foregoing discussion, this Court finds no infirmity, illegality, or perversity in the impugned award warranting interference in appellate jurisdiction. The award passed by the learned Tribunal is, therefore, affirmed. The appeal, being devoid of merit, stands dismissed

18. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

28.01.2026

Gaurav Arora

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