



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5688-2025 (O&M)
Date of decision: 12.01.2026

NIKHIL SHARMA

. . . . Appellant

Vs.

Ravi Kumar and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ashwani Arora, Advocate, for the appellant.

DEEPAK GUPTA, J.

This appeal is accompanied by an application for condonation of delay.

2. The appellant–claimant Nikhil Sharma sustained injuries in a motor vehicular accident which occurred on 20.07.2019, allegedly due to rash and negligent driving of motorcycle No. PB-11BP-5626. He filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, impleading the driver, owner and insurer of the offending vehicle.

3. The learned Motor Accident Claims Tribunal, vide award dated 03.10.2024, assessed compensation at ₹3,97,161/-, payable jointly and severally by the respondents, though the Insurance Company was granted recovery rights against the driver & owner.

4. The present appeal seeking enhancement has been filed in September, 2025, accompanied by **CM-19709-CII-2025** under Section 5 of the Limitation Act, 1963, seeking condonation of 261 days' delay in filing appeal.

5. In the application, it is pleaded that after the Insurance Company deposited the awarded amount in December, 2024, the appellant underwent

another surgery and thereafter stayed at his native village for about 4–5 months for recovery. It is stated that though his counsel contacted him on several occasions, he could not come, and therefore the delay was neither intentional nor deliberate.

6. This Court has considered the explanation furnished and finds it wholly unsatisfactory.

7. The law under Section 5 of the Limitation Act requires the applicant to show “sufficient cause” for not preferring the appeal within the prescribed period. The expression “sufficient cause” has been consistently interpreted to mean a cause beyond the control of the litigant, and not mere inaction, negligence, or lack of diligence.

8. In the present case, the appellant has failed to disclose material particulars, such as the exact date of the alleged subsequent operation or any medical record to substantiate that he was incapacitated from approaching his counsel. On the contrary, his own averments show that despite being in contact with his counsel, he chose not to pursue the matter and remained at his village for several months without taking any steps to file the appeal.

9. Mere assertion of illness or stay at a native place, without supporting material and without explaining why even minimal steps could not be taken, does not constitute sufficient cause. The explanation reflects inaction and negligence, which cannot be condoned by adopting a liberal approach, particularly when the delay is of more than eight months.

10. It is well settled that while Courts may adopt a liberal approach in condoning delay in deserving cases, such indulgence is not available to a litigant who is guilty of laches and has failed to act with reasonable diligence. The appellant has not been able to demonstrate that the delay was unavoidable or beyond his control.

11. Consequently, this Court finds no justification to condone the delay of 261 days in filing the appeal.

12. Accordingly, the application for condonation of delay [CM-19709-CII-2025] is dismissed. As a necessary corollary, the appeal [FAO-5688-2025] is also dismissed being barred by limitation.

12.01.2026

Vivek

(DEEPAK GUPTA)
JUDGE

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