



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-5649-2025

Date of decision: 12.01.2026

Pretty Yadav and others

.... Appellants

Vs.

Vijay and others

.... Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Surinder Singh, Advocate, for the appellant.

DEEPAK GUPTA, J.

This appeal is accompanied by applications for condonation of delay.

2. One Sunita, wife of Chandar Bhan, lost her life in a motor vehicular accident on 24.01.2018. Her three minor children filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, through their grandmother and natural guardian, seeking compensation from the driver, owner and insurer of the vehicles involved in the accident.

3. The learned Motor Accident Claims Tribunal, vide award dated 06.05.2019, awarded compensation of ₹17,43,000/-, payable jointly and severally by respondents No.1 and 2 along with interest.

4. The present appeal seeking enhancement has been filed in July, 2025, i.e. after an inordinate delay of 1107 days. Along with the appeal, **CM-19523-CII-2025** has been filed under Section 5 of the Limitation Act, 1963, seeking condonation of this delay in filing the appeal. Additionally, **CM-19522-CII-2025** has been filed seeking condonation of 249 days' delay in refiling the appeal after removal of Registry objections.

5. The explanation offered for the delay in filing the appeal is that the appellants were not aware of the law of limitation and approached counsel only upon acquiring such knowledge. As regards the delay in refiling, it is pleaded that the appeal was initially filed on 25.11.2024, but after objections were raised by the Registry, the paper-book was inadvertently misplaced in the office of learned counsel by a clerk, resulting in delay in refiling.

6. This Court has carefully considered the explanations furnished and finds them wholly insufficient to constitute “sufficient cause” within the meaning of Section 5 of the Limitation Act.

7. Ignorance of law is not a legally acceptable ground for condonation of delay, particularly when the appellants were duly represented by counsel before the Tribunal at the time of passing of the award. The appellants cannot be permitted to plead lack of legal awareness after having actively participated in the proceedings through an Advocate.

8. Equally untenable is the explanation regarding the demise of the grandmother/natural guardian on 01.09.2019. The award was passed on 06.05.2019 and no explanation whatsoever has been offered for the long period thereafter, nor has it been shown as to how the demise of the guardian prevented the appellants or their next guardian from pursuing legal remedies within time.

9. As regards the delay of 249 days in refiling, the plea that the file was misplaced in the office of counsel is also not a sufficient cause. Administrative lapses, inadvertence of clerical staff, or internal office mismanagement of counsel cannot be a ground to condone such prolonged delay. Litigants are expected to exercise reasonable diligence in prosecuting their remedies.

10. It is well settled that while Courts may adopt a liberal approach in appropriate cases, such liberality cannot extend to condoning gross, unexplained and inordinate delays, which are clearly attributable to inaction

and negligence. The law of limitation is founded on public policy and certainty, and cannot be rendered otiose by accepting vague and unsubstantiated explanations.

11. In the present case, the appellants have failed to explain the delay of more than three years in filing the appeal, as well as the substantial delay in refiling, by any cogent or convincing reasons. No material has been placed on record to show that the delay was unavoidable or beyond their control.

12. Consequently, the applications for condonation of delay in filing the appeal [CM-19523-CII-2025], and in refiling the appeal [CM-19522-CII-2025] are dismissed.

13. As a necessary consequence, the appeal is also dismissed as 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>