HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3006/2024
CNR: RJHC020554672024 | URN: CMA / 5008U / 2024

Roopli @ Kailashi W/o Late Hanuman Prasad Meena, Aged About 55 Years, R/o Meeno Ki Jhopadiya, Tehsil- Uniyara, District Tonk (Raj.)

----Appellant

Versus

1 Gopi Lal Mali S/o Megharam Mali, R/o Phooliya, Tehsil-Shahpura, District- Bhilwara, (Raj.)

2 Manish Soni S/o Rajkumar Soni, R/o Nh-8, Kotputali, District Jaipur, (Raj.) C/o Balaji Road Lines, Kotputali, District Jaipur, Through Power Attorney Holder Kailash Chand S/o Badri Prasad Yadav, R/o Rampura, P.s. Bansur, District Alwar, (Raj.)

3 Universal Sampo General Insurance Co. Ltd., Office At 201-208, Crystal Palza, Opposite Infinity Mall, Link Road, Andheri West Mumbai, (Mah)

----Respondents

For Appellant(s) : Mr. Deepak Khandelwal
For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

18/11/2026

1. The matter comes upon CMCC No.1465/2024 filed under Section 5 of the Limitation Act seeking condonation of delay of 3005 days in filing the appeal by the claimant-appellant.

2. It has been stated in the application that there is knowledge of the award passed in June 2016. It is further stated that, for the purpose of filing the appeal before this Hon'ble High Court, the counsel was contacted, and the signed papers along with the Vakalatnama were handed over to the counsel appearing before

the learned Tribunal. Further in the application averred that the learned counsel representing the claimants before the Tribunal used to inform that the appeal is pending.

3. It is further averred that, in March 2024, the applicant came to the High Court with the help of a neighbour and tried to meet his counsel before the Hon'ble High Court. At that time, she came to know that the counsel had left the legal profession and was now working in a private company and had not filed the appeal before the Hon'ble High Court. Thereafter, the applicant met another counsel on 29.04.2024, obtained a certified copy of the award and subsequently filed the appeal on 02.06.2024.

4. This Court finds that the application does not contain the name of the counsel to whom the papers were handed over. Nor does it mention the name of the counsel who had allegedly undertaken to file the appeal but had not done so and had subsequently left the legal profession. The application under Section 5 of the Limitation Act is as vague as it can be, and the delay is enormous. An application filed under Section 5 of the Limitation Act cannot be allowed merely on the basis of sympathy, even if it has been filed by a claimant in the claim petition. Condonation of delay has to be considered strictly in accordance with law, as, under Section 3 of the Limitation Act, a court can exercise jurisdiction only if the appeal is filed within the prescribed period of limitation. Otherwise, the court lacks jurisdiction to entertain the appeal, and a right accrues in favour of the other party.

5. Therefore, while considering an application under Section 5 of the Limitation Act, a person is required to furnish specific

details and grounds on the basis of which condonation of delay is sought. Accordingly, this Court, in the present case, does not find any sufficient ground to condone the delay of 3005 days in filing the appeal. Hence, the application under Section 5 of the Limitation Act is dismissed.

6. Accordingly, the present civil miscellaneous appeals is also **dismissed**.

7. Pending application(s), if any, also stand disposed of.

(BIPIN GUPTA),J

Crt_21/D-A/80/MAHIMA