

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****236****FAO-3008-2023 (O&M)  
Date of decision: 21.03.2025****Roop Singh and another****...Appellant(s)****Vs.****Makhan Khan and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. J.S.Moudgill, Advocate for the appellants.

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**NIDHI GUPTA, J.****CM-10819-CII-2023**

Prayer in this application filed under Section 151 CPC is for condonation of delay of 203 days in filing the accompanying appeal.

2. Heard.

3. The only reason given in the above said application for condonation of delay of 203 days is that after the passing of the impugned order, the appellants had handed over the file to their relative for filing the appeal. However, the relative did not file the appeal. The said application is accompanied by duly signed affidavit of appellant no.2/ who is the 33-year-old brother of deceased Raju Singh.

4. The said reason does not constitute sufficient ground for condonation of extraordinary and inordinate delay of 203 days in filing the appeal. It has been recently held by the Delhi High Court in case of **Moddus**

**Media Pvt. Ltd. v. M/s. Scone Exhibition Pvt. Ltd., (Delhi) : Law Finder Doc****Id # 887148**, that:

*“11. The litigant owes a duty to be vigilant of his rights and is also expected to be equally vigilant about the judicial proceedings pending in the court of law against him or initiated at his instance. The litigant cannot be permitted to cast the entire blame on the Advocate. It appears that the blame is being attributed on the Advocate with a view to get the delay condoned and avoid the decree. After filing the civil suit or written statement, the litigant cannot go off to sleep and wake up from a deep slumber after passing a long time as if the court is storage of the suits filed by such negligent litigants. Putting the entire blame upon the advocate and trying to make it out as if they were totally unaware of the nature or significance of the proceedings is a theory put forth by the appellant/applicant/defendant company, which cannot be accepted and ought not to have been accepted. The appellant is not a simple or rustic illiterate person but a Private Limited Company managed by educated businessmen, who know very well where their interest lies. The litigant is to be vigilant and pursue his case diligently on all the hearings. If the litigant does not appear in the court and leaves the case at the mercy of his counsel without caring as to what different frivolous pleas/defences being taken by his counsel for adjournments is bound to suffer. If the litigant does not turn up to obtain the copies of judgment and orders of the court so as to find out what orders are passed by the court is liable to bear the consequences.”*

5. I am in complete agreement with the above said view taken by the Delhi High Court. It is incumbent upon the litigant to be vigilant in

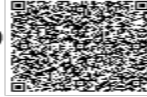


respect of their rights. Thus, no ground is made out for condonation of extraordinary delay of 203 days. Present application accordingly stands dismissed.

**FAO-3008-2023 (O&M)**

The present appeal has been filed by the claimants against the order dated 07.07.2022 passed by the learned Motor Accident Claims Tribunal, Mansa (hereinafter referred to as “the Tribunal”) whereby the claim petition filed by the appellants under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the Act”), for grant of compensation to the tune of Rs.80 lacs on account of death of Raju Singh, aged about 25 years due to the alleged rash and negligent driving of Bolero bearing No. PB-31L-9153 (hereinafter referred to as “the offending vehicle”) by respondent No.1, has been dismissed. The two claimants/appellants are the 88-year-old father and the 33-year-old brother of the deceased, Raju Singh.

2. The case as set up by the appellants is that on 04.10.2021, deceased Raju Singh was driving tractor and trolley and was proceeding towards Football Chowk, Budhlada. He parked his tractor on side of the road, near Chawla Dhaba and was inspecting the rear bonnet of Trolley when he was hit by the offending vehicle. Subsequently, the deceased Raju Singh had died due to the injuries suffered by him in the said Motor Vehicular Accident that took place on 04.10.2021 due to the alleged rash and negligent driving of a Bolero bearing registration No. PB-31-L-9153 which was being driven by respondent No.1. In this regard, an FIR No.



137 dated 07.10.2021 under Sections 304-A, 279 IPC was registered at Police Station City Budhlada, District Mansa.

3. It has been admitted in para 3 of the present appeal, as also by learned counsel for the appellants during arguments, that an incomplete claim petition was filed by the appellants before the learned Tribunal. The claim petition did not contain any pleadings from para 1 to 8; and the claim petition started only at para 9. Accordingly, learned counsel for the appellants before the learned Tribunal, had suffered a statement to withdraw claim petition and had also sought permission to file amended claim petition. Ld. Counsel submits that however, vide the impugned order, the permission to file amended claim petition had been declined. It is accordingly prayed that the impugned order be set aside, and the appellants may be allowed to file fresh claim petition before the Tribunal.

4. Heard.

5. I find no infirmity in the impugned order. Firstly, no explanation whatsoever has been given by the appellants as to why an incomplete claim petition was filed by them. It is very odd that vital and necessary information pertaining to the accident in question, which would ordinarily be readily available with the claimants, was not mentioned by them in the columns number 1 to 8 in the claim petition. It has also nowhere been disclosed by the appellants as to how the identity of the respondent No.1/driver of the offending vehicle, was ascertained. The names and addresses of the owner and insurance



company of the offending vehicle are yet to be disclosed. It is not clear as to why this information has not been provided by the appellants till date. There is also no explanation as to why FIR in respect of the accident in question was filed after a delay of three days. All these factors, cast shadow of doubt on the veracity of the claim sought to be made by the appellants.

6. Furthermore, vide the impugned order dated 7.7.2022, the learned Tribunal has stated that *"In view of his statement, this claim petition is dismissed as withdrawn. This court as such does not give permission to file a fresh claim petition. Yet if the law permits the claimants can avail their remedy under the law. File be consigned to the record room."* (Emphasis added). Thus, the Id. Tribunal had permitted the claimants to avail their remedy as per law. However, admittedly, the appellants failed to avail their remedy as per law, and no amended claim petition has been filed by the claimants before the Tribunal till date.

7. In view of the above, the present appeal stands **dismissed**.

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

**21.03.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

**Whether speaking/reasoned:**

**Yes/No**

**Whether reportable:**

**Yes/No**