



FAO-1590-2024 (O&amp;M)

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

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**FAO-1590-2024 (O&M)****Date of Decision:06.08.2025**

Rajesh

... Appellant

Versus

Gulab Singh and others

... Respondents

**CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. Ajay Vijaraniya, Advocate  
for the appellant.

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**AMARINDER SINGH GREWAL, J. (ORAL)**

1. The present appeal has been preferred by the appellant-claimant against the impugned award dated 05.07.2022 passed by the learned Motor Accident Claims Tribunal, Bhiwani (for short 'the learned Tribunal') seeking enhancement of compensation, accompanied by an application under Section 5 of the Limitation Act for condonation of delay of 533 days in filing the appeal.

2. Succinctly, the facts are that on 03.03.2016, the appellant-claimant along with Manoj Kumar, Krishan Kumar and Rajesh son of Indraj Singh were travelling to Jaipur in a Swift Car bearing No.HR-16P-5451 and at 4:30 PM, when they reached in the area of Kajla Ki Dhani, Malikpur on National Highway near Ringus District Sikar, a tanker truck bearing No.RJ-33GA-2395 (hereinafter referred to as the offending vehicle) driven by respondent No.1 in a rash and negligent manner, came and collided against their swift car. Due to the said impact, the appellant received injuries, for which he was awarded a compensation of Rs.15,000/- by the Tribunal. Aggrieved by the same, the present appeal has been preferred by the appellant seeking enhancement of compensation.



3. The present appeal is accompanied by an application filed under Section 5 of the Limitation Act, seeking condonation of delay of 533 days in filing the same on the ground that the counsel before the learned Tribunal did not communicate the decision of the case to the appellant, due to which he could not file the present appeal within the period of limitation. Furthermore, despite assurance given to the appellant by the counsel before the learned Tribunal that he will get arranged an advocate to file appeal before this Court, the same was not done by him. Therefore, delay of 533 days in filing the appeal is neither intentional nor willful and as such, prayer is made to condone the same.

4. It is apparent that the appellant did not approach this Court by way of appeal within the period prescribed under the Motor Vehicles Act, 1988 (hereinafter referred to as the Act of 1988). The provisions of Section 173 of the Act of 1988 deals with appeals, which are reproduced as under:-

*“173. Appeals: (1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court:*

*Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court unless he has deposited with it twenty-five thousand rupees or fifty per cent of the amount so awarded, whichever is less, in the manner directed by the High Court:*

*Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.*

*(2) No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than [one lakh] rupees.”*

5. A perusal of the proviso to Section 173 of the Act of 1988 makes it crystal clear that the High Court may entertain the appeal after expiry of the period of 90 days, if it is satisfied that the appellant was prevented by 'sufficient cause' from preferring the appeal in time. Thus, the appellant is required to satisfy that there was sufficient cause for the delay.



6. The phrase 'sufficient cause' as used in 173 of the Act of 1998 is in *pari materia* to Section 5 of the Limitation Act, 1963 and should, therefore, be interpreted in the same way.

7. A bare perusal of the application seeking condonation of delay shows that the appellant has made only general and basic statement without placing any details of the previous counsel or any material to show that efforts were made by the appellant to get the appeal filed in time. Neither the name of the previous lawyer is mentioned; nor any action, is stated to have been taken against him for the negligence. The appellant has to stand on his own legs to establish 'sufficient cause' that prevented him from filing the appeal within the statutory limitation period. Without substantive evidence to support the claim, the appellant cannot be permitted to benefit from his own negligence or inaction.

8. The object and purpose of the statutes of limitation is to fix the life span of a legal remedy so as to put an end to every legal remedy as it is futile to keep any litigation or dispute pending indefinitely. Furthermore, it is also settled proposition of law that delay of each and every day has to be explained, which is lacking in the case at hand. When mandatory provision is not complied with and delay is not properly, satisfactorily and convincingly explained, it ought not to be condoned on sympathetic grounds alone. The statutory provision of law of limitation may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The Hon'ble Supreme Court in the judgment passed in *Basawraj and another Vs. Special Land Acquisition Officer (2013) 14 SCC 81* has observed that it is a settled legal proposition that law for limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no



power to extend the period of limitation on equitable grounds. A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it considers a distress resulting from its operation. The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim *dura lex sed lex*, which means “the law is hard but it is the law” stands attracted in such a situation.

9. In view of the aforesaid facts and circumstance, the explanation given by the appellant for not approaching this Court by way of instant appeal within the period of limitation is neither plausible nor convincing and thus, does not inspire the confidence of this Court to condone the delay of 533 days.

10. Even on merits, the appellant has failed to prove the medical bills to the tune of Rs.80,200/- as the same were not exhibited documents and only marked as Mark A. Even no one from the hospitals where the appellant remained admitted and received treatment was examined to prove said medical bills. Therefore, in this opinion of this Court, the learned Tribunal has rightly assessed the compensation as Rs.15,000/-.

11. Consequently, the instant appeal stands dismissed on the ground of delay as well as on merits.

**(AMARINDER SINGH GREWAL)**  
**JUDGE**

**August 06, 2025**

Pankaj\*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No