



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

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**FAO-1233-2020 (O&M)
Date of decision: 13.05.2025**

Darshan Singh

...Appellant(s)

Vs.

Mahi Ram and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None for the appellant.

NIDHI GUPTA, J.

CM-3338-CII-2020

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 1004 days in filing the accompanying appeal.

2. A perusal of the said application reveals that only vague and general reasons have been given by the applicant-appellant for seeking condonation of 1004 days in filing the accompanying appeal. The same do not constitute sufficient cause for condoning of the extraordinary and inordinate delay of 1004 days in filing of the accompanying appeal.

3. It is well-settled proposition of law that each day's delay has to be explained in a mathematical manner which has not been done by the applicant-appellants. No cogent reason or plausible explanation has been furnished by the applicant-appellant for condonation of such an inordinate and unexplained delay in filing of the main appeal. Moreover, condonation



of such an inordinate delay would be tantamount to declaring the law of limitation obsolete/redundant, without any justification.

4. The Law of Limitation is enacted with a purpose, as a handmaid of Justice and cannot be ignored/reduced to an ineffective piece of paper by giving it the complete go-by. It is the bounden duty of every litigant to pursue his case diligently; and it is also the bounden duty this Court to ensure that justice inures to both parties concerned.

5. More so, the Hon'ble Supreme Court in ***Pathapati Subba Reddy (Died) by LRs and others vs. The Special Deputy Collector (LA)***, ***Law Finder Doc Id # 2542600***, has recently held as under:-

“26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

- (i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;*
- (ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;*
- (iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;*
- (iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;*
- (v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;*



- (vi) *Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the Court is not satisfied with the cause shown for the delay in filing the appeal;*
- (vii) *Merits of the case are not required to be considered in condoning the delay; and*
- (viii) *Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.” (Emphasis added)*

6. The above Application, accordingly, stands **dismissed**.

FAO-1233-2020 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.6,04,701/- awarded to the appellant vide Award dated 01.12.2016 filed under Section 166 of the Motor Vehicles Act, 1988 along with interest @ 9% per annum only if the amount of compensation is not deposited within 3 months, in view of the injury i.e. fracture suffered by the appellant.

2. It may be pointed out that the present appeal is of the year 2020. However, notice has not yet been issued. Yet, none is present on behalf of the appellant to pursue the present appeal. Even on the last date of hearing i.e. 23.03.2023, none had appeared on behalf of the appellant, even in the second round. Therefore, it can safely be presumed that neither the appellant nor his counsel is interested in pursuing the present appeal.

3. In view of the above, the present appeal stands **dismissed** for non-prosecution; as well as on ground of delay.

4. Pending application, if any, stands disposed of.

13.05.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No