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

**CM-3552-CII-2018 in/and
FAO-1028-2018
Date of decision: 24.07.2025**

NATHA RAM

...Appellant(s)

VERSUS

UNION OF INDIA AND ORS.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Karan S. Gill, Advocate
for the applicant-appellant.

Mr. Dinesh Kumar Prajapati, Advocate for
Mr. R. S. Madan, Advocate
for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

CM-3552-CII-2018

1. The present application has been filed under Section 5 of the Limitation Act for condonation of delay of 1281 days in filing the present appeal.

2. Learned counsel for the applicant-appellant submitted that it is a case where earlier an award was passed by the learned Arbitrator in favour of the applicant-appellant with regard to compensation for land acquired, which was assailed by the respondent-Union of India by filing objections under Section 34 of the Arbitration and Conciliation Act, 1996 and the matter was



remanded back to the learned Arbitrator. He further submitted that the subsequent award passed by the learned Arbitrator was pertaining to the enhanced compensation which was awarded in favour of the applicant-appellant and the total amount awarded was Rs.5,27,865/-. He submitted that thereafter against the aforesaid award, the respondent-Union of India preferred objections under Section 34 of the Arbitration and Conciliation Act, 1996, which were allowed vide impugned judgment dated 26.02.2014. He further submitted that the concerned Advocate, who was defending the case of the applicant-appellant at the relevant time did not inform him properly with regard to the passing of the aforesaid impugned judgment and that was the reason as to why he could not prefer the present appeal and the long delay has occurred because of the wrong information being given by the Advocate despite repeated requests made by him, which is so stated in the present application itself. He further submitted that the applicant-appellant has also moved a separate application before the Bar Council for taking appropriate action against the concerned Advocate. He also submitted that in view of the above, the delay of 1281 days in filing the present appeal may be condoned.

3. On the other hand, learned counsel appearing on behalf of the respondent No.2 while referring to the reply filed to the present application has vehemently opposed the prayer for condonation of delay. While referring to the various judgments of Hon'ble Supreme Court, he submitted that in those cases where the delay is not much, liberal approach can be adopted but where there is such exorbitant delay of 1281 days, then the ignorance of law is no excuse because the litigant has to be vigilant enough even while interacting with the



counsel and such a long delay cannot become a basis for deeming it as a sufficient cause within the domain of Section 5 of the Limitation Act. He further referred to a judgment passed by a Co-ordinate Bench of this Court in **Pawan Kumar and another versus National Highway Authority of India and others, FAO-4125-2016**, decided on **21.03.2023** in this regard.

4. I have heard the learned counsels for the parties.

5. There is a delay of 1281 days in filing the present appeal. The total subject matter of the award, as per the learned counsels for the parties, was about Rs.5,27,865/-. As per the submissions made by the learned counsel for the applicant-appellant and the grounds taken in the application, the only reason given for the aforesaid delay was that for about 3½ years the applicant-appellant was not informed by his counsel that the objections under Section 34 of the Arbitration and Conciliation Act, 1996 have been decided against him. During the course of arguments, this Court raised a query to the learned counsel for the applicant-appellant as to whether the applicant-appellant had filed any execution application before the learned competent Court because of the reason that the award for enhanced compensation was in his favour, to which he submitted that no such execution application was filed by the applicant-appellant.

6. The law with regard to the expression '*sufficient cause*' within the domain of Section 5 of the Limitation Act, 1963, is no longer *res integra*. Apart from the above, the maxim *vigilantibus non dormientibus jura subveniunt* is also applicable in the present case, which means that law assists those who are vigilant and not those who sleep on their rights. Had it been a case that the



delay was of a shorter time then the same could have easily been condoned but such a large delay of 1281 days in filing the present appeal cannot be condoned for the aforesaid reason that the applicant-appellant was not communicated by his counsel about passing of the aforesaid impugned judgment.

7. Hon'ble Supreme Court in ***Oriental Aroma Chemical Industries Ltd. versus Gujarat Industrial Development Corporation and another, 2010 (5) SCC 459*** held as under:-

“8. We have considered the respective submissions. The law of limitation is founded on public policy. The legislature does not prescribe limitation with the object of destroying the rights of the parties but to ensure that they do not resort to dilatory tactics and seek remedy without delay. The idea is that every legal remedy must be kept alive for a period fixed by the legislature. To put it differently, the law of limitation prescribes a period within which legal remedy can be availed for redress of the legal injury. At the same time, the courts are bestowed with the power to condone the delay, if sufficient cause is shown for not availing the remedy within the stipulated time. The expression "sufficient cause" employed in Section 5 of the Indian Limitation Act, 1963 and similar other statutes is elastic enough to enable the courts to apply the law in a meaningful manner which sub serves the ends of justice. Although, no hard and fast rule can be laid down in dealing with the applications for condonation of delay, this Court has justifiably advocated adoption of a liberal approach in condoning the delay of short duration and a stricter approach where the delay is inordinate.”

8. In view of the aforesaid facts and circumstances, this Court is of the considered view that the reasons given by the applicant-appellant in the



present application filed under Section 5 of the Limitation Act, 1963 does not constitute '*sufficient cause*' and therefore, the present application seeking condonation of delay is hereby dismissed.

9. Since the application filed under Section 5 of the Limitation Act seeking condonation of delay of 1281 days in filing the present appeal is dismissed, the present appeal also stands dismissed.

24.07.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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