



FAO-2363-2025 (O&amp;)

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

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**FAO No.2363-2025 (O&M)****Date of Decision:01.09.2025**

Chhinder Pal Kaur

... Appellant

Versus

Gurmit Singh and others

... Respondents

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

Present: Mr. Himanshu Setia, 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 18.05.2009 passed by the learned Motor Accident Claims Tribunal, Sri Muktsar Sahib (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 5032 days in filing the appeal.

2. Succinctly, the facts are that on 20.01.2008, complainant Sukhraj Singh s/o Joginder Singh along Gurmit Singh, Jagjit Singh, both residents of Village Sarawan Bodla, were coming on Car bearing No.DL 4SA-0019 being driven by Ram Singh s/o Kashmir Chand (deceased) and were going to Village Mishriwala through Village Sarawan Bodla, Muktsar and when they reached near Village Mann Singh Wala, a Trola bearing No.PB-04K-9032, being driven by respondent no.1 coming from Sadiq to Muktsar hit directly to the car of deceased Ram Singh and thereafter the car struck with an eucalyptus tree. The driver of the car i.e. Ram Singh died at the spot and the driver of the Trola ran away from the



spot. A case FIR no. 4 dated 21.01.2008 under sections 279,337,338,427 and 304A IPC was registered at PS Barriwala.

3. At the time of accident, the deceased, who was 21 years old, was working as a private driver and his monthly income for the purpose of assessing compensation was assessed as Rs. 3000/- per month. After deducting 1/3<sup>rd</sup> towards personal expenses, the dependency of the claimant was assessed to be Rs. 2000/- per month x 12 = Rs.24,000/- per annum. A multiplier of 17 as suitable to the age of the deceased was applied to award a compensation of Rs. 4,10,000/- including Rs.2000/- granted as cremation charges. Aggrieved by the same, the present appeal has been preferred by the appellant-claimant seeking enhancement of compensation.

3.1 The present appeal is accompanied by an application filed under Section 5 of the Limitation Act, seeking condonation of delay of 5032 days in filing the same, on the ground that the appellant was initially assured by the earlier counsel engaged in the matter that the appeal had already been filed and admitted, and that the same would attain finality at the time of disposal in due course, which would take a minimum of 10 years as the matter had been admitted.

4. Relying upon the said assurance, the appellant did not pursue any further enquiry into the status of the appeal. Thereafter, in order to know the status of the appeal, the appellant contacted the earlier counsel during the winter vacations of 2024. However, his mobile number was not contactable despite numerous attempts. Thereafter, the appellant came in contact with the present counsel. After making numerous enquiries regarding the status and progress of the appeal, the appellant was shocked to know that no such appeal had ever been filed on her behalf. It also came to the knowledge of the appellant that the earlier



counsel had ceased legal practice and had shifted to a foreign country long ago. The present case is a death case and the appellant is the mother of the deceased, thereby rendering the appellant ignorant and unaware of the actual position of the matter. The appellant further undertakes not to claim any interest for the delayed period in case the compensation is enhanced in the appeal by this Court. Therefore, the delay of 5032 days in filing the appeal is neither intentional nor willful, and as such, prayer is made to condone the same.

5. 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.”*

6. 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.



7. 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.

8. 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 her own legs to establish 'sufficient cause' that prevented her from filing the appeal within the statutory limitation period. Without substantive evidence to support the claim, the appellant cannot be permitted to benefit from her own negligence or inaction.

9. 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.

10. 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 5032 days.

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

(AMARINDER SINGH GREWAL)  
JUDGE

September 01, 2025

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