



FAO No. 2340 of 2025 (O&M) & FAO No. 2877-2025 (O&M) -1-

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

**FAO No. 2340 of 2025 (O&M)
DATE OF DECISION: 30.07.2025**

SADDIQ

.....APPELLANT

Vs.

CHANCHAL AND OTHERS

.....RESPONDENTS

120-1

FAO No. 2877-2025 (O&M)

SADDIQ

...APPELLANT

VS.

MAHUN AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr.Sanjeev Kumar Bawa, Advocate,
for the applicant-appellant.

HARPREET KAUR JEEWAN, J. (ORAL)

**CM No. 7494-CII-2025 IN FAO No. 2340 of 2025 (O&M) and
CM No. 9114-CII-2025 IN FAO No. 2877 of 2025 (O&M)**

(i) Prayer in the present applications is for condonation of delay of 2796 days in filing FAO No. 2340 of 2025 and 2818 days in filing FAO No. 2877 of 2025.

(ii) The appeals have been preferred against the Award dated 02.05.2017 passed by the Motor Accidents Claims Tribunal, Nuh.

(iii) Learned counsel for the applicant-appellant contends that he had engaged a counsel to appear before the Tribunal on his behalf, but the said counsel did not inform the applicant about the proceedings in the



FAO No. 2340 of 2025 (O&M) & FAO No. 2877-2025 (O&M) -2-

petition. The applicant, who was respondent No. 2 before the Tribunal, had filed a written statement and also appeared as a witness (RW-2). He contested the petition, but merely on account of the fact that his counsel did not inform him, he could not challenge the Award.

(iv) Reliance has been placed upon the decisions of the Hon'ble Supreme Court in **Collector, Land Acquisition, Anantnag and another** vs. **Mst. Katiji and others**, AIR 1987 SC 1353, and **N. Balakrishnan** vs. **M. Krishnamurthy**, 1999 (2) RCR (Civil) 578.

(v) I have considered the aforesaid submissions and perused the paper books.

(vi) The Awards were passed against the applicant on 02.05.2017. The applicant had contested the proceedings, as not only a written statement was filed, but he also appeared as a witness and conducted the cross-examination of the witnesses who appeared on behalf of the respondents-claimants. The Awards were passed in the presence of the counsel who was representing the applicant.

(vii) In such circumstances, the explanation for such a long delay (approximately eight years), is highly improbable. The decisions relied upon by the learned counsel for the applicant in **Collector, Land Acquisition, Anantnag** (*supra*) are not applicable to the facts of the present case, as in that case, the delay was only four days. Similarly, in **N. Balakrishnan** (*supra*), the applicant-respondent was proceeded against *ex parte* and had filed an application for setting aside the *ex parte* order. However, the factual matrix of the present case is distinguishable, and therefore, the ratio of the aforesaid judgments is not applicable.

**FAO No. 2340 of 2025 (O&M) & FAO No. 2877-2025 (O&M) -3-**

(viii) Keeping in view the explanation given by the applicant, this Court does not find any plausible reason to condone such an inordinate delay of nearly eight years in filing the present appeals.

(ix) Consequently, the applications are dismissed.

(x) Pending miscellaneous application(s), if any, shall also stand disposed of.

FAO No. 2340 of 2025 (O&M) & FAO No. 2877 of 2025 (O&M)

1. Since the applications for condonation of delay in filing the present appeals have been dismissed, the present appeals also stand dismissed.

2. The amount deposited by the applicant in the Registry be transferred to the Motor Accidents Claims Tribunal, Nuh, for disbursal to the claimants.

3. Pending miscellaneous application(s), if any, shall also stand disposed of.

JULY 30, 2025
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No