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

FAO-5548-2024 (O&M)

Date of Decision : 21.03.2025

Sahi Ram

... Appellant(s)

Versus

Chankouli Devi & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Verma, Advocate for the appellant.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the appellant (driver-cum-owner) challenging the impugned award dated 18.04.2017 passed by the Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as 'Tribunal'). The present appeal has been filed with an application (**CM-21315-CII-2024**) for condonation of delay of 1477 days in filing and an application (**CM-21314-CII-2024**) for condonation of delay of 455 days in refiling the appeal.

2. Learned counsel for the appellant has contended that the appellant was not aware of the passing of the impugned award dated 18.04.2017 and that he received the summons from the Executing Court and that's when he learnt that he had also been proceeded against *ex parte* in **FAO-6249-2017** filed by the claimants before this Court. It is further the contention of the learned counsel that thereafter, due to the Pandemic Covid-19, the appeal could not be filed and subsequently the appellant had suffered serious head injuries.

3. I have heard the learned counsel for the appellant.

4. In the present case the impugned award was passed on 18.04.2017. The appellant herein was duly represented by a counsel. Challenging the impugned award, an appeal was filed by the claimants being FAO-6249-2017 on 03.07.2017 in which notice of motion was issued on 06.12.2017. Initially respondent No.1 therein (appellant herein) remained unserved, however, after fresh notice, service was effected upon the appellant herein (respondent No.1 in FAO-6249-2017), as noticed in the order dated 30.10.2019 passed in FAO-6249-2017. Therefore, it does not lie in the mouth of the appellant to state that he was not aware of the impugned award. Further still, a perusal of the application for condonation of delay of 1477 days in filing the appeal reveals that in the said application no date has been given as to when the summons from the Executing Court were received by the appellant herein. There is no plausible explanation forthcoming from the appellant for not having taken any steps from 18.04.2017 till 2020. Even the learned counsel for the appellant has been unable to point out to any explanation for not having taken any steps from the date of the passing of the impugned award till 2020. In the absence of any cogent reasons, the present appeal is dismissed on the ground of delay. Pending applications, if any, also stand disposed off.

21.03.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO