



120 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CM No. 18097-CII-2025 IN/AND  
FAO No. 5385 of 2025 (O&M)  
DATE OF DECISION: 08.09.2025

TILAK RAJ

.....APPELLANT

Vs.

SMT. BIMLA DEVI TICKOO AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Jasbir Singh Mor, Advocate,  
for the applicant-appellant.

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**AMARINDER SINGH GREWAL, J.**

1. The present appeal has been preferred by the applicant-driver against the impugned Award dated 18.04.2023, passed by the learned Motor Accident Claims Tribunal, Chandigarh (for short, "*the learned Tribunal*"), whereby compensation to the tune of ₹36,32,536/- was awarded to the contesting respondent No. 1-claimant, holding all the respondents before the learned Tribunal liable to pay the compensation jointly and severally. The present applicant was impleaded as respondent No. 2 before the learned Tribunal. The present appeal is also accompanied by an application under Section 5 of the Limitation Act, seeking condonation of delay of 776 days in filing the appeal.

2. The brief facts of the case are that on 25.03.2017, the contesting respondent No. 1-claimant, along with her husband, was going from Maan



Hotel, Nayagaon to the PGI, Chandigarh, in an auto-rickshaw. They stopped at Raj Dhaba for tea and breakfast. When the contesting respondent No. 1-claimant was crossing the road, respondent No. 2-driver (appellant herein), while driving motorcycle bearing registration No. PB-16-D-2859 in a rash and negligent manner from the side of Khuda Ali Sher, with two gas cylinders on his motorcycle, hit the contesting respondent No. 1-claimant. As a result, the contesting respondent No. 1-claimant sustained injuries and underwent treatment first at the Government Multi-Specialty Hospital, Sector 16, Chandigarh, and thereafter at the PGI, Chandigarh. Aggrieved thereby, the contesting respondent No. 1-claimant filed a claim petition before the learned Tribunal. The learned Tribunal awarded compensation of ₹36,32,536/- to the contesting respondent No. 1-claimant, holding all the respondents before the learned Tribunal liable to pay the compensation jointly and severally.

3. The present case is accompanied by an application filed under Section 5 of the Limitation Act seeking condonation of delay of 776 days in filing the appeal, on the ground that the applicant-appellant was under the impression that the insurance company had been directed to pay the compensation and, therefore, did not file the appeal. Subsequently, when the insurance company initiated proceedings to recover the amount from the appellant, he contacted his counsel and decided to file the present appeal.

4. It is apparent that the appellants 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.”*

5. 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 there was sufficient cause for the delay.

6. The phrase 'sufficient cause' as used in Section 173 of the Act of 1988 is in *pari materia* to Section 5 of the Limitation Act, 1963 and should, therefore, be interpreted in the same way.

7. A bare perusal of the application seeking condonation of delay shows that the appellants have made only general and vague assertions without furnishing any specific reasons or producing any material to demonstrate that genuine efforts were made to file the appeal within the prescribed period. The appellants are required to stand on their own legs and establish sufficient cause



which prevented them from filing the appeal within the statutory period. In the absence of substantive evidence to support such claim, the appellants cannot be permitted to derive any benefit from their own negligence or inaction.

8. 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.



9. In view of the aforesaid facts and circumstances, the explanation furnished by the appellant for not approaching this Court by way of the present appeal within the prescribed period of limitation is neither plausible nor convincing and, therefore, does not inspire the confidence of this Court to condone the inordinate delay of 776 days in filing the appeal. The learned Tribunal, in its judgment dated 18.04.2023, has specifically held that “all the respondents are liable to pay the compensation jointly and severally”. It is difficult to accept that the appellant could not contact his counsel for a period of more than two years and that this fact was not within his knowledge.

10. Consequently, the application bearing CM No. 18097-CII-2025 seeking condonation of delay of 776 days in filing the present appeal, stands dismissed.

11. Resultantly, the main appeal also stands dismissed.

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

**SEPTEMBER 08, 2025**  
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**(AMARINDER SINGH GREWAL)**  
**JUDGE**

Whether Speaking	Yes
Whether Reportable	No