



FAO-5333-2025 (O&M)

-1-

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

112(2)

FAO-5333-2025 (O&M)
Date of decision :11.09.2025

KALU RAM

... APPELLANT

VERSUS

KALAWATI AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ankur Sheoran, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

The appellant being owner of the offending vehicle involved in the accident having been held liable to pay compensation as per the impugned award dated 09.01.2023 passed by Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as 'Tribunal') has approached this Hon'ble Court by present appeal. Along with the appeal, the appellant has also submitted an application under Section 5 of Limitation Act, 1963, seeking condonation of delay of 866 days delay in filing the said appeal.

2. The only reason disclosed by the appellant for not filing the appeal within the prescribed period of limitation is that he belongs to a rural background, was unable to arrange the necessary funds and had no legal advice regarding the limitation period. However, the reasons so stated are totally vague.

3. It is worth noticing that appellant is the registered owner of the canter which was involved in the accident, resulting in the award passed by the Tribunal



in presence of his counsel. It is further brought to the Court's notice that the execution petition is pending before the Executing Court since 2023. It is only now, when coercive action is being initiated against the applicant-appellant in the execution proceedings he has preferred present application along with the appeal only to delay the execution proceedings. The reasons given for delay are not justified and sufficient. The fact that applicant-appellant is owner of canter clearly shows that he is a person of means and has taken false plea that he could not arrange requisite funds. Only Rs. 25,000/- was to be paid along with present appeal and counsel fee. Therefore, keeping in view status of the applicant-appellant, the ground taken by him cannot be accepted.

4. The reasons for the delay are found to be neither just nor sufficient. The applicant-appellant has miserably failed to explain the delay.

5. In view of the above, the application for condonation of delay is dismissed. Consequently, the appeal being barred by limitation, is also dismissed.

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

11.09.2025
manoj

(PARMOD GOYAL)
JUDGE

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