



2026:CGHC:4050



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 79 of 2021

- Vinod Kumar Khunte S/o Ram Avtar Khunte Aged About 32 Years R/o Qtr.No. M 367, Dipka Colony, Police Station Dipka , At Present Address Qtr. No. 176, Vikash Nagar Kusmunda, Police Station Kusmunda , Tahsil Katghora District Korba Chhattisgarh.

... Appellant

versus

1. Suraj Kumar Gupta S/o Krishna Prasad Gupta Aged About 26 Years R/o Krishna Nagar Dipka , Police Station Dipka, Tahsil Katghora District Korba Chhattisgarh. (Driver)
2. Anil Agrawal Address M/s Mangatram Banvari Lal Address Agrasen Marg, Gupta Gali, Main Road Korba , Tahsil And District Korba Chhattisgarh. (Owner)
3. The New India Insurance Company Limited Through Divisional Manager, Office The New India Insurance Company Limited, Sada Complex Transport Nagar Korba, Tahsil And District Korba Chhattisgarh. (Insurer)

... Respondent(s)

For Appellant/Claimant/ Insured	:	Mr. T.R. Patel, Advocate holding the brief of Mr. Vikas Kumar Pandey, Advocate
For Respondent No. 3/ Insurance Company	:	Mr. Anil Gulati, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

23.01.2026

1. Heard on I.A. No. 01/2021, an application under Section 5 of the Limitation Act, 1963 for condonation of delay in filing the appeal.
2. The claimant/injured has preferred this appeal against judgment and award passed by the learned Additional Tribunal to the Additional Motor Accident Claims Tribunal, Katghora, District Korba in Claim Case No. 09/2018 dated 08.01.2019, whereby the claim petition filed by the claimant was dismissed.



3. The claimant has preferred this appeal with delay of 643 days.
4. Learned counsel for the claimant would argue that award was passed on 08.01.2019 and appeal was preferred on 18.01.2021. He would contend that no-one advised the claimant to prefer appeal, therefore, he could not prefer appeal within prescribed period of limitation. It is also argued that the claimant had no knowledge of law of limitation. He would pray to condone the delay.
5. On the other hand, Mr. Gulati would oppose. He would submit that the claimant failed to explain sufficient cause for delay in the application, therefore, application(I.A. No. 01/2021) deserves to be rejected.
6. I have heard learned counsel for the parties and perused the application for condonation of delay with utmost circumspection.
7. Perusal of application would reveal that the claimant failed to explain sufficient reasons for delay of 643 days. The reason assigned by the claimant that no-one advised him to prefer appeal, cannot be accepted. The claimant has not mentioned the date when he collected certified copy of award and when he approached his counsel.
8. Law as regards scope and jurisdiction of the Court in the matter of condonation of delay under Section 5 of Limitation Act is well settled by the Hon'ble Supreme Court and the various High Courts.
9. The High Court of Madhya Pradesh (Gwalior Bench) in the matter of ***Jahoor Khan and Ors. Vs. Ramvaran and Ors.*** reported in ***ILR (2017) MP 93*** passed in ***Misc. Appeal No. 29 of 2016*** while dealing with the issue of delay in para 7, 8, 9 and 11 held as under :-

“7. In the case of Ramlal Vs. Rewa Coalfields Ltd. AIR 1962 SC 361, Hon. Supreme Court in para 7 has held as under:-



“7. In construing Section 5 (of the Limitation Act) it is relevant to bear in mind two important considerations. The first consideration is that the expiration of the period of limitation prescribed for making an appeal gives rise to a right in favour of the decree-holder to treat the decree as binding between the parties. In other words, when the period of limitation prescribed has expired the decree-holder has obtained a benefit under the law of limitation to treat the decree as beyond challenge, and this legal right which has accrued to the decree-holder by lapse of time should not be light-heartedly disturbed. The other consideration which cannot be ignored is that if sufficient cause for excusing delay is shown discretion is given to the court to condone delay and admit the appeal. This discretion has been deliberately conferred on the court in order that judicial power and discretion in that behalf should be exercised to advance substantial justice.”

8. Hon. Supreme Court in the case of P.K. Ramachandran Vs. State of Kerala, (1997) 7 SCC 556, has held in para 6 as under:-

“6. law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes and the courts have no power to extend the period of limitation on equitable grounds.”

9. As regards meaning, scope and rationale of the law of limitation, the Hon'ble Apex Court in the case of Pundlik Jalam Patil (Dead) by Lrs., Vs. Executive Engineer, Jalgaon Medium Project and another, (2008) 17 SCC 448 has held as under:

“26. Basically the laws of Limitation are founded on public policy. In Halsbury's Laws of England, 4th Ed., Vol. 28, p. 266, para 605, the policy of the Limitation Acts is laid down as follows:

“605. Policy of the Limitation Acts.- The courts have expressed at least three different reasons supporting the existence of statutes of limitation, namely,



(i) that long dormant claims have more of cruelty than justice in them,

(ii) that a defendant might have lost the evidence to dispute the stated claim,

(iii) that persons with good causes of actions should pursue them with reasonable diligence.”

27. Statutes of limitation are sometimes described as ‘statutes of peace’. An unlimited and perpetual threat of limitation creates insecurity and uncertainty; some kind of limitation is essential for public order. This court in *Rajender Singh and others vs. Santa Singh and others* [(1973) 2 SCC 705] has observed : (SCC p.712, para 18)

“18. The object of law of Limitation is to prevent disturbance and deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party’s own inaction, negligence or laches”.

28. In *Motichand vs. Munshi* [AIR 1970 SC 898], this court observed that this principle is based on the maxim “*interest reipublicae ut sit finis litium*”, that is, the interest of the State requires that there should be end to litigation but at the same time law of Limitation are a means to ensuring private justice suppressing fraud and perjury, quickening diligence and preventing oppression.

29. It needs no restatement at our hands that the object for fixing time limit for litigation is based on public policy fixing a life span for legal remedy for the purpose of general welfare. They are meant to see that the parties do not resort to dilatory tactics but avail their legal remedies promptly. Salmond in his jurisprudence states that the laws come to the assistance of the vigilant and not of the sleepy.

11. Hon. Supreme Court in a recent decision *Maniben Devraj Shah Vs. Municipal Corporation of Brihan, Mumbai*, (2012) 5 SCC 157 has held in para 24 as



under:-

“24. What colour the expression “sufficient cause” would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the Court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay.”

10. The Hon’ble Supreme Court in the matter of **Pathapati Subba Reddy (Died) by LRs. & Others vs. The Special Deputy Collector (LA)** reported in **2024 SCC OnLine SC 513 : 2024 4 SCR 241 : 2024 INSC 286**, in para 26, summarized the judgments and the same is reproduced herein-below:-

“26. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

(v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various



factors such as, where there is inordinate delay, negligence and want of due diligence;

(vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

(vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision."

11. The Hon'ble Supreme Court in the matter of ***Pathapati Subba Reddy*** (**supra**) further held that the phrases 'liberal approach', 'justice-oriented approach' and 'cause for the advancement of substantial justice' cannot be employed to defeat the law of limitation so as to allow stale matters or as a matter of fact dead matters to be revived and re-opened by taking aid of Section 5 of the Limitation Act.
12. Considering inordinate delay of 643 days and the law laid down by the Hon'ble Supreme Court, I do not find any good ground to allow the application for condonation of delay, accordingly, I.A. No. 01/2021 is hereby **rejected**. Consequently, appeal also fails and is hereby **dismissed**.

Sd/-
(Rakesh Mohan Pandey)
Judge