



2026:CGHC:1344



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 139 of 2021

- Ranjit Singh Kanwar S/o Shri Kripal Singh Aged About 30 Years Caste Kanwar, Resident Of Village Mandwadhoda, Tahsil Katghora District Korba Chhattisgarh.

... Appellant

versus

1. Jagdish Prasad Shrivastava S/o Shri Firangi Prasad Shrivastava Resident Of Village Nariyara, Tahsil And District Janjgir Champa Chhattisgarh.
2. Sunil Kumar Agrawal S/o Late Girdhar Prasad Agrawal Resident Of Village Kharola , Akaltara, Tahsil And District Janjgir Champa Chhattisgarh.
3. National Insurance Company Ltd. Korba, Branch Manager National Insurance Company Ltd. Kosabadi, Korba, Tahsil And District Korba Chhattisgarh.

... Respondent(s)

For Appellant/Claimant	: Ms. Dhaneshwari Patel, Advocate holding the brief of Mr. Pushpendra Kumar Patel, Advocate
For Respondent No. 3	: Mr. Raj Awasthi, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

09.01.2026

1. Heard on I.A. No. 01/2021, an application for condonation of delay under Section 5 of the Limitation Act.
2. The claimant has filed this appeal for enhancement of compensation assailing the award passed by the learned Additional Motor Accident Claims Tribunal, Katghora, District Korba in Claim Case No. 291/2007 dated 25.09.2008, whereby the learned Tribunal has granted compensation to the tune of Rs. 62,000/- with interest at the rate of 8% on account of injuries sustained by the claimant.



3. Ms. Dhaneshwari Patel would argue that this appeal has been preferred with delay of 4435 days. She would submit that the appellant was not aware of period of limitation to prefer appeal challenging the award passed by the learned Tribunal. She would submit that after long time, the claimant approached his counsel and then he was advised to file appeal. It is also contended that the claimant managed funds to prefer appeal, and thereafter, preferred appeal. She would pray to condone the delay.
4. On the other hand, Mr. Raj Awasthi would submit that there is inordinate delay of 4435 days in filing appeal and same has not been explained properly. He would contend that application (I.A. No. 01/2021) deserves to be rejected.
5. I have heard learned counsel for the parties and perused the application for condonation of delay.
6. Admittedly, award was passed on 25.09.2008 and this appeal was preferred on 23.02.2021. In the application, the claimant has stated that he was not aware of period of limitation to file appeal and after long time he approached his counsel. The reasons assigned by the claimant is not satisfactory.
7. The Hon'ble Supreme Court referred to various judgments 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*** while dealing with issue of limitation in paras 19, 20, 21, 22 and 23, which are reproduced herein-below:-

“19. In Maqbul Ahmad and Ors. vs. Onkar Pratap Narain Singh and Ors, A.I.R. 1935 PC 85, it had been held that the court cannot grant an exemption from limitation on equitable consideration or on the ground of hardship. The court has time and again repeated that when mandatory provision is not complied with and



delay is not properly, satisfactorily and convincingly explained, it ought not to condone the delay on sympathetic grounds alone.

20. In this connection, a reference may be made to **Brijesh Kumar and Ors. vs. State of Haryana and Ors, 2014 (4) SCALE 50**, wherein while observing, as above, this Court further laid down that if some person has obtained a relief approaching the court just or immediately when the cause of action had arisen, other persons cannot take the benefit of the same by approaching the court at a belated stage simply on the ground of parity, equity, sympathy and compassion.

21. In **Lanka Venkateswarlu vs. State of Andhra Pradesh & Ors., [2011] 3 SCR 217 : (2011) 4 SCC 363**, where the High Court, despite unsatisfactory explanation for the delay of 3703 days, had allowed the applications for condonation of delay, this Court held that the High Court failed to exercise its discretion in a reasonable and objective manner. High Court should have exercised the discretion in a systematic and an informed manner. The liberal approach in considering sufficiency of cause for delay should not be allowed to override substantial law of limitation. The Court observed that the concepts such as 'liberal approach', 'justice-oriented approach' and 'substantial justice' cannot be employed to jettison the substantial law of limitation.

22. It has also been settled vide **State of Jharkhand & Ors. vs. Ashok Kumar Chokhani & Ors., AIR 2009 SC 1927**, that the merits of the case cannot be considered while dealing with the application for condonation of delay in filing the appeal.

23. In **Basawaraj and Anr. vs. Special Land Acquisition Officer, [2013] 8 SCR 227 : (2013) 14 SCC 81**, this Court held that the discretion to condone the delay has to be exercised judiciously based upon the facts and circumstances of each case. The expression 'sufficient cause' as occurring in Section 5 of the Limitation Act cannot be liberally interpreted if negligence, inaction or lack of bona fide is writ large. It was also observed that even though limitation may harshly affect rights of the parties but it has to be applied with all its rigour as prescribed under the statute as the courts have no choice but to apply the law as it stands and they have no power to condone



the delay on equitable grounds.”

8. In para 26, the Hon’ble Supreme Court in the matter of **Pathapati Subba Reddy (supra)** summarized the judgments passed in the above stated decisions 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.”

9. 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.
10. Considering inordinate delay of 4435 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

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