



2026:CGHC:12401

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 1669 of 2024**

- Manager, Chola Mandalam M.S. General Insurance Company Limited, In-front Of Jivan Bima Nigam Office, Simran Tower, Raipur District Raipur Chhattisgarh (Insurer Of Vehicle Tractor Kubota No. C.G. 06 Gs/0609)

... Appellant(s)**versus**

1. Bhushan Lal Yadav S/o Chhotu Ram Yadav Aged About 36 Years R/o Village Ward No. 10 Tikrapara Churki, Post Mohandi, Thana Khailari, Tehsil Bagbahara, District Mahasamund Chhattisgarh (Claimants)
2. Ahilya Bai Yadav W/o Bhushan Lal Yadav Aged About 33 Years R/o Village Ward No. 10 Tikrapara Churki, Post Mohandi, Thana, Khallri, Tehsil Bagbahara, District Mahasamund Chhattisgarh (Claimants)
3. Loknath Sahu S/o Ghanshyam Sahu Aged About 39 Years Occupation Agriculture, Resident Churki, Thana Khallari, Tehsil Bagbahara, District Mahasamund Chhattisgarh (Driver Of Accident Vehicle Tractor Kubota No. Cg 06 Gs/0609)
4. Ghanshyam Sahu S/o Antaram Sahu Aged About 60 Years Occupation Agriculture, R/o Churki, Thana Khallari, Tehsil Bagbahara, District Mahasamund Chhattisgarh (Registered Owner Of Accident Vehicle Tractor Kubota No. Cg 06 Gs/0609)

... Respondent(s)

For Appellant/Insurance Company	: Mr. Ashish Pandey, Advocate holding the brief of Mr. N.K. Thakur, Advocate
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Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****16.03.2026**

1. Heard on I.A. No. 01/2024, an application for condonation of delay in filing appeal.

2. The Insurance Company has preferred this appeal assailing the judgment and award passed by the learned Motor Accident Claims Tribunal, Mahasamund passed in Claim Case No. H-88/2022 dated 04.12.2023, whereby, the learned Tribunal granted compensation to the tune of Rs. 5,00,000/- with interest at the rate of 6% per annum on account of death of Takeshwar @ Takesh.
3. The appellant herein has preferred this appeal with delay of 160 days.
4. Learned counsel for the appellant/Insurance Company would submit that award was passed on 04.12.2023, whereas, appeal has been preferred on 12.08.2024 with delay of 160 days. He would contend that copy of the documents along with an award was sent to the company office at Raipur and the documents were subsequently forwarded to Regional office, Indore. He would contend that thereafter sanction was accorded and appeal was filed. He would submit that the Insurance Company has explained delay part properly.
5. I have heard Mr. Pandey at length and perused the application for condonation of delay with utmost circumspection.
6. Perusal of application would show that the appellant/Insurance Company has not explained delay properly. The appellant herein has filled banks and mentioned period of delay. It is nowhere stated that when documents were forwarded to the company at Raipur and when those documents were further forwarded to Regional office, Indore. It is also not stated as to when sanction was accorded and when counsel for Insurance Company was instructed to prefer an appeal.
7. Recently, Hon'ble Supreme Court in the matter of ***H. Guruswamy & Ors. Versus A. Krishnaiah Since Deceased by Lrs.***¹ held courts cannot use a

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"liberal approach" to condone inordinate, unjustified delays caused by a party's own negligence. Relevant paras of the aforesaid judgment are reproduced herein below :-

“13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High courts that the concepts such as "liberal approach", "Justice oriented approach", "substantial justice" should not be employed to frustrate or jettison the substantial law of limitation.

16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of litigant for an indefinite period of time.

8. Taking into consideration the facts discussed above and the law laid down by the Hon'ble Supreme Court in the matter of **H. Guruswamy** (supra), in the opinion of this Court, the claimants have not explained the delay properly, therefore the application for condonation of delay [I.A. No. 01/2024] is liable to be and is hereby rejected.

9. Consequently, the appeal is also **dismissed**. No cost(s).

Sd/-
(**Rakesh Mohan Pandey**)
Judge

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