



2026:CGHC:3757

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MAC No. 1900 of 2023**

- 1** - Smt. Krishna Bai W/o Mohan Dhruv Aged About 38 Years R/o Village Rohasi, P.S. Palari, District Balodabazar (C.G.) Presently Residing At Ramayan Chowk Sarkanda, P.S. Sarkanda, District Bilaspur (C.G.) (Claimant)
- 2** - Mohan Dhruv S/o Supeti Dhruv Aged About 41 Years R/o Village Rohasi, P.S. Palari, District Balodabazar (C.G.) Presently Residing At Ramayan Chowk Sarkanda, P.S. Sarkanda, District Bilaspur (C.G.) (Claimant)
- 3** - Ku. Dhaneshwari Dhruv D/o Mohan Dhruv Aged About 14 Years Minor Through Natural Guardian Mother Krishna Bai Dhruv, R/o Village Rohasi, P.S. Palari, District Balodabazar (C.G.) Presently Residing At Ramayan Chowk Sarkanda, P.S. Sarkanda, District Bilaspur (C.G.) (Claimant)
- 4** - Ku. Laxmi Dhruv D/o Mohan Dhruv Aged About 12 Years Minor Through Natural Guardian Mother Krishna Bai Dhruv, R/o Village Rohasi, P.S. Palari, District Balodabazar (C.G.) Presently Residing At Ramayan Chowk Sarkanda, P.S. Sarkanda, District Bilaspur (C.G.) (Claimant)
- 5** - Ku. Bhagwati Dhruv D/o Mohan Dhruv Aged About 9 Years Minor Through Natural Guardian Mother Krishna Bai Dhruv, R/o Village Rohasi, P.S. Palari, District Balodabazar (C.G.) Presently Residing At Ramayan Chowk Sarkanda, P.S. Sarkanda, District Bilaspur (C.G.) (Claimant)

... Appellants**versus**

- 1** - Hemkishan Sahu S/o Daulal Sahu Aged About 30 Years R/o Village Rohasi, P.S. Palari, District Balodabazar (C.G.) (N.A. No.1)
- 2** - Kishan Lal Sahu S/o Pyarilal Sahu Aged About 45 Years R/o Village Samoda, P.S. Aarang, District Raipur (C.G.)
- 3** - Jethuram Verma S/o Dhaniram Verma Aged About 58 Years R/o Village Math, P.S. Kharora, District Raipur (C.G.)
- 4** - Iffco Tokiyo General Insurance Co. Ltd. Through Branch Manager, 1st Floor, Galaxi Heights, Near I.C.I.C.I. Bank, Vyapar Vihar Bilaspur (C.G.)

... Respondents

For Appellants/Claimants	:	Ms. Shalini Jangde, Advocate holding the brief of Mr. A.L. Singroul, Advocate
For respondent No.4/Insurance Company	:	Mr. Pravesh Sahu, Advocate holding the brief of Mr. P.R. Patankar, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment on Board

22/01/2026

1. Heard on I.A. No.1/2023, an application for condonation of delay in filing appeal.
2. The claimants have filed this appeal assailing the award passed by the learned 8th Motor Accident Claims Tribunal, Bilaspur (C.G.) in Claim Case No.562/2017 dated 29.11.2018, whereby, learned Tribunal granted compensation to the tune of Rs.9,88,952/- with interest @ 6% per annum on account of death of Sushil Kumar Dhruv.
3. The claimants have preferred this appeal with delay of 971 days.
4. Ms. Jangde, learned counsel appearing for the claimants would submit that the claimants are poor and illiterate persons and they have no knowledge of law of limitation. She would further submit that they got information from their counsel to prefer an appeal, thereafter, they managed funds; collected certified copy of award and preferred appeal. She would contend that the claimants have explained cause of delay properly. She would submit that there is a delay of 971 days and same may be condoned.
5. On the other hand, Mr.Sahu, learned counsel appearing for the Insurance Company would oppose the submissions made by Ms. Jangde. He would submit that the claimants failed to explain the cause of delay properly, therefore, the application deserves to be rejected.

6. Heard learned counsels appearing for the parties and perused application for condonation of delay.
7. An award was passed on 29.11.2018. In the application, the claimants have pleaded that they are poor and rustic villagers having no knowledge of law of limitation. It is well-settled principle of law that ignorance of law cannot be an excuse to condone the delay. It is further stated that the claimants received information from their counsel to prefer an appeal but the claimants have not mentioned the specific dates as to when they received information and when they collected certified copy.
8. A perusal of the certified copy of award would show that on 21.09.2023, an application to obtain certified copy was moved and it was supplied on same date whereas this appeal was preferred on 12.10.2023 and the claimants have not explained the cause of delay from 21.09.2023 till 12.10.2023. The claimants have not explained the part of delay from date of award till 21.09.2023.
9. 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*** while dealing with the issue of limitation in paras 19, 20, 21, 22, 23, 26 & 30 observed and held as under:-

“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.

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."

30. *The aforesaid decisions would not cut any ice as imposition of conditions are not warranted when sufficient cause has not been shown for condoning the delay. Secondly, delay is not liable to be condoned merely because some persons have been granted relief on the facts of their own case. Condonation of delay in such circumstances is in violation of the legislative intent or the express provision of the statute. Condoning of the delay merely for the reason that the claimants have been deprived of the interest for the delay without holding that they had made out a case for condoning the delay is not a correct approach, particularly when both the above decisions have been rendered in ignorance of the earlier pronouncement in the case of Basawaraj (supra)."*

10. Taking into consideration the fact that there is delay of 971 days, the same has not been explained properly by the appellants/Claimants and further considering the law laid down by the Hon'ble Supreme Court in

the matter of ***Pathapati Subba Reddy (supra)***, in the opinion of this Court, the application for condonation of delay is liable to be and is hereby rejected.

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

Sd/-

(Rakesh Mohan Pandey)
Judge

Rekha