



2026:CGHC:9509



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 21 of 2024

1. Neha Aadin D/o Late Ramashankar Aadin Aged About 22 Years R/o Ward No. 05, Limtara, Post Vishrampur, P.S. And Tahsil Simga, At Present R/o Vikas Nagar Chakarbhatha Camp, P.S. Chakarbhatha, Tahsil Bilha, District- Bilaspur, Chhattisgarh.
2. Mausami Aadin D/o Late Ramashankar Aadin Aged About 20 Years R/o Ward No. 05, Limtara, Post Vishrampur, P.S. And Tahsil Simga, At Present R/o Vikas Nagar Chakarbhatha Camp, P.S. Chakarbhatha, Tahsil Bilha, District- Bilaspur, Chhattisgarh.
3. Dipika Aadin D/o Late Ramashankar Aadin Aged About 17 Years Appellant No. 3 Is Minor Through Legal Natural Guardian Elder Sister Neha Aadin, R/o Ward No. 05, Limtara, Post Vishrampur, P.S. And Tahsil Simga, At Present R/o Vikas Nagar Chakarbhatha Camp, P.S. Chakarbhatha, Tahsil Bilha, District- Bilaspur, Chhattisgarh.
4. Keshav Aadin S/o Late Ramashankar Aadin Aged About 24 Years R/o Ward No. 05, Limtara, Post Vishrampur, P.S. And Tahsil Simga, At Present R/o Vikas Nagar Chakarbhatha Camp, P.S. Chakarbhatha, Tahsil Bilha, District- Bilaspur, Chhattisgarh.
5. Smt. Manbai Aadin W/o Mahajan Aadin Aged About 70 Years R/o Ward No. 05, Limtara, Post Vishrampur, P.S. And Tahsil Simga, At Present R/o Vikas Nagar Chakarbhatha Camp, P.S. Chakarbhatha, Tahsil Bilha, District- Bilaspur, Chhattisgarh.
6. Mahajan Aadin S/o Late Feru Aged About 75 Years R/o Ward No. 05, Limtara, Post Vishrampur, P.S. And Tahsil Simga, At Present R/o Vikas Nagar Chakarbhatha Camp, P.S. Chakarbhatha, Tahsil Bilha, District- Bilaspur, Chhattisgarh.....(Claimants)
... Appellant(s)

versus



1. Chumman Lal Dinkar S/o Umend Ram Dinkar Aged About 49 Years R/o Kuhrabod, P.S. And Tahsil Pamgarh, District- Janjgir-Champa, Chhattisgarh.....(Driver Owner Of The Offending Vehicle Motorcycle Bearing Registration No. C.G. 11 Ax/6656)
2. Tata Aig General Insurance Company Ltd. Through Branch Manager, Office-1-8, Forth Floor, Gwalani Chamber, Vyapar Vihar Main Road, Bilaspur, P.S. Tarbahar, Tahsil And District-Bilaspur, Chhattisgarh.....(Insurer Of The Offending Vehicle).....(Motorcycle Bearing Registration No. C.G. 11 Ax/6656)

... Respondent(s)

For Appellants	:	Mr. Vipin Singh Thakur, Adv.
For Respondent No. 1	:	Mr. Ravi Kumar Banjare, Adv.
For Respondent No. 2	:	Mr. Rahul Singh Thakur, Adv. on behalf of Mr. Sourabh Sharma, Adv.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

24.2.2026

- 1) Heard on I.A. No. 1/2024, an application for condonation of delay in filing the appeal.
- 2) The claimants have filed this appeal assailing the award dated 9.5.2023 passed in Claim Case No. 1622/2021 by the learned Tenth Additional Motor Accident Claims Tribunal, Bilaspur (C.G.) whereby compensation of Rs. 15,53,250/- has been awarded with interest @ 9% p.a. on account of death of Ramashankar Adin.
- 3) With regard to the application for condonation of delay, the learned counsel for the appellants/claimants submits that there is a delay of 121 days in filing the instant appeal. He contends that the appellants were not aware of the proceedings and law of limitation and when they approached the local counsel, they were



advised to file Misc. Appeal. Thereafter, they managed money to file the appeal ; applied certified copy of award and after receiving the same, they have preferred this Misc. Appeal. He prays to condone the delay.

- 4) On the other hand, learned counsel appearing for respective respondents would oppose. They submit that claimants have filed this appeal with delay of 121 days and sufficient reasons have been not been explained in the application for condonation of delay, therefore this appeal deserves to be dismissed on the ground of delay and latches.
- 5) Heard.
- 6) Perusal of the award would show that claimants were represented through a counsel. The award was passed on 9.5.2023 and thereafter, no steps were taken by the appellants to prefer the appeal within limitation.
- 7) In the application for condonation of delay, it is stated that claimants were unaware of proceedings whereas perusal of record would show that claimants were represented by a counsel before the Tribunal, thus reason assigned cannot be accepted. Also, appellants have not explained the delay from 9.5.2023 till 20.12.2023.
- 8) It seems that the appellants remained inactive for period of 121 days, which suggests a lack of diligence in pursuing the case.



Given the substantial delay of 121 days, the appellants have not provided sufficient justification for the inaction.

- 9) 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 "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*

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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.

10) 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. 1/2024] is liable to be and is hereby rejected.

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

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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