

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH************120****FAO-1211-2026 (O&M)****Date of Decision.:11.05.2026****Bhole Nath and Others****.....Appellants****Vs.****Ashwani Kumar and Others****.....Respondents****CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Rahul Vats, Advocate and
Mr. Vishal Taneja, Advocate
for the appellants.

**********DEEPAK GUPTA, J. (ORAL)**

The present appeal has been filed by the claimants seeking enhancement of compensation awarded vide award dated 04.04.2019 passed by the learned Motor Accident Claims Tribunal on account of death of Jaswant Singh, who lost his life in a motor vehicular accident dated 30.12.2010 caused due to rash and negligent driving of the offending truck.

2. The deceased was unmarried and the claim petition under Section 166 of the Motor Vehicles Act had been filed by his parents and sister. The learned Tribunal awarded compensation of ₹9,77,200/- along with interest, payable jointly and severally by the respondents.

3. The appeal is accompanied by an application bearing **CM-4569-CII-2026** filed under Section 5 of the Limitation Act seeking condonation of delay of 2428 days i.e. more than six and a half years in filing the appeal.

4. Learned counsel for the appellants contends that after passing of the award, the appellants had engaged one Mr. Ramesh Kumar Dhaniya, Advocate for filing the appeal before this Court. It is submitted that the said counsel expired in the year 2020 and since the appellants were residing in



the State of Uttar Pradesh, they could not contact him. It is further submitted that only when the appellants visited Chandigarh in the year 2026, they came to know about the death of the said counsel and consequently the appeal could not be filed within limitation. Prayer is accordingly made for condonation of delay on the ground that the same was neither intentional nor deliberate.

5. After hearing learned counsel for the appellants and upon perusal of the record, this Court does not find any ground to condone the enormous delay of 2428 days.

6. It is well settled that though the expression “sufficient cause” occurring in Section 5 of the Limitation Act deserves liberal construction in order to advance substantial justice, yet such liberal approach cannot be extended to condone gross negligence, inaction or lack of bona fides on the part of a litigant. A party seeking condonation of delay is required to furnish a plausible, cogent and satisfactory explanation covering the entire period of delay.

7. In the present case, even as per the own averments made in the application, the appellants had allegedly engaged counsel in the year 2019 after passing of the award. However, thereafter no effort whatsoever was made by them for more than six years either to contact the engaged counsel or to ascertain the status of the proposed appeal. The explanation furnished that the appellants visited Chandigarh only in the year 2026 and then came to know about the death of the counsel, rather demonstrates complete inaction and absence of due diligence on their part.

8. Merely blaming the counsel or referring to his subsequent demise cannot by itself constitute sufficient cause, particularly when the litigants themselves remained dormant for years together. A litigant is expected to remain vigilant about his legal remedy and cannot absolve



himself of all responsibility after allegedly engaging a counsel. No material has been placed on record to show that during the entire intervening period any attempt was made by the appellants to contact the counsel telephonically, through correspondence, or otherwise to ascertain the status of the matter.

9. The Hon'ble Supreme Court has repeatedly held that law of limitation is founded upon public policy and that stale claims ought not to be entertained merely on sympathetic considerations. Once a valuable right has accrued to the opposite party due to expiry of limitation, the same cannot be lightly disturbed in absence of sufficient cause supported by bona fide conduct.

10. In the facts and circumstances of the present case, this Court is of the considered opinion that the appellants have failed to furnish any satisfactory explanation for the huge and inordinate delay of 2428 days in filing the appeal. The application is completely devoid of merit and does not disclose any sufficient cause within the meaning of Section 5 of the Limitation Act.

11. Consequently, CM-4569-CII-2026 seeking condonation of delay is dismissed. As a necessary corollary thereof, the appeal itself also stands dismissed being hopelessly barred by limitation.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

(DEEPAK GUPTA)
JUDGE

May 11, 2026

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No