

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2873/2025

Jayveer Singh S/o Shri Hawasingh & Anr.

----Appellants

Versus

Smt. Sabnam & Ors.

----Respondents

Connected With

S.B. Civil Miscellaneous Appeal No. 1183/2024

Smt. Sabnam W/o Late Manzoor Ali & Ors.

----Appellants

Versus

Iffco Tokiyo General Insurance Company Limited & Ors.

----Respondents

For Appellant(s)	:	Mr. Narpat Singh Shekhawat, Adv. Ms. Surbhi Khandelwal, Adv. for Mr. D.D. Khandelwal, Adv.
For Respondent(s)	:	Mr. Virendra Agrawal, Adv. with Ms. Anjali Assat, Adv. Mr. Chanderdeep Singh Jodha, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

06/05/2026

1. The matter comes upon an application (CMCC No. 1291/2025 in S.B. CMA No. 2873/2025) moved on behalf of the appellants under Section 5 of the Limitation Act for condoning the delay of 463 days in filing S.B. Civil Miscellaneous Appeal No. 2873/2025.
2. Learned counsel for the appellants submits that the appellants filed this appeal against the judgment and award dated 24.11.2023 passed by learned Motor Accident Claims Tribunal No.1, Kotputli, District Jaipur in Claim Petition No. 230/2017 titled as Smt. Sabnam & Ors. Vs. IFFCO TOKIO General Insurance Company & Ors.

3. Learned counsel for the appellants further submits that the appellants are the owner and driver of the offending vehicle against whom an award has been passed vide the impugned judgment. Against the same impugned judgment, the respondent-claimant Nos. 1 to 6 have also filed a separate appeal qua the enhancement of compensation, which has been registered as S.B. Civil Miscellaneous Appeal No. 1183/2024 and is pending for consideration before this Court.

4. Learned counsel for the appellants prays that as one appeal preferred by the claimants has already been admitted and is pending for decision, therefore, the present appeal filed on behalf of the appellants herein, who are owners and driver of the offending vehicle, may also be admitted and delay of 463 days in filing the present appeal may be condoned.

5. Learned counsel for the appellants has drawn the attention of this Court towards the judgment passed by the Hon'ble Apex Court in case of **The Principal Govt. Pre-University College & Anr. Vs. Jambu Kumar Mutha** reported in **(2014) 16 SCC 370**, the delay of 463 days in filing the present appeal may be condoned.

6. On the other hand, learned counsel appearing on behalf of the respondents oppose the prayer made on behalf of learned counsel for the appellants.

7. Heard learned counsel for the parties and perused the material available on record.

8. Admittedly, another S.B. Civil Miscellaneous Appeal No. 1183/2024 preferred by the claimants has already been admitted by the Co-ordinate Bench of this Court against the same

impugned judgment and award dated 24.11.2023, and is pending for consideration before this Court.

9. Hence, for the reasons mentioned in the application and relying upon the law laid down by the Hon'ble Apex Court in case of **The Principal Govt. Pre-University College** (supra) and also considering the fact that another appeal against the same impugned judgment and award is pending, therefore, this Court deems it fit to condone the delay in filing the present appeal.

10. Accordingly, the application (CMCC No. 1291/2025 in S.B. CMA No. 2873/2025) is allowed and the delay in filing S.B. Civil Miscellaneous Appeal No. 2873/2025 is condoned.

11. Office to proceed.

(ASHUTOSH KUMAR),J