

**IN THE HIGH COURT OF MADHYA PRADESH****AT INDORE****BEFORE****HON'BLE SHRI JUSTICE DUPPALA VENKATA RAMANA****ON THE 22nd OF NOVEMBER 2024****MISC. APPEAL No. 6613 of 2024****SMT. SHYAMABAI****Versus****ANARSINGH AND OTHERS****Appearance:**

Shri Kamal Kishore Kaushal, counsel for the appellant.

ORDER

Appellant has preferred this appeal seeking enhancement of compensation against the impugned award dated 17.03.2020 passed by the learned Claims Tribunal.

2. The present appeal has been filed by the appellant with a delay of 1525 days and filed I.A. No.8202/2024.

3. The averments made in the application is that the present appeal has been filed under Section 173 of Motor Vehicles Act, 1988. He further stated that appellant is a widow lady and an illiterate villager. The appellant lives alone and has no source of income and has no knowledge about filing of appeal against the award passed by the learned claims Tribunal on lower side. Further stated that she met with her counsel on 07.05.2020, 18.08.2020, 25.11.2020 and 02.04.2021 and he could not advise to file the appeal. On 15.03.2023 her relatives enquired about the award passed by learned Tribunal and advised that the said award is on very lower side and directed her to file the appeal. Further stated that



appellant contacted Shri K.K. Kaushal, counsel on 13.07.2024 and advise him to file the appeal and obtained certified copy on 03.08.2024 which was received on 16.08.2024. Therefore, there is a delay of 1525 days for filing this appeal. If the delay is not condoned, appellant will suffer immense hardship. Hence, prays for allowing the application for condonation of delay of 1525 days and admit the appeal.

5. Thus, question for consideration is:-

“Whether there is sufficient cause to condone the delay of 1525 days in filing this appeal.”

6. Undisputedly, the appellant filed claim application under the Motor Vehicles Act, 1988 before the 18th Member, Motor Accident Claims Tribunal, Indore in Claim Case No.883/2019.

7. Admittedly, the appeal was filed on 28.08.2024 with a delay of 1525 days. The application is supported by affidavit and the appellant has nothing to say anything except the facts stated in the application are true and correct. While considering the application for condonation of delay, the Court has to see whether delay or inordinate delay is of few days and that the reasons assigned in the application are valid or cogent needs to be explained properly whether they are reasonable or plausible.

8. In In the cases of (i) Allala Bhagavanth Rao vs Garvandula Vijayalaxmi and others **2016 (4) ALT 43**, (ii) Maniben Devraj Shah vs. Municipal Corporation of Brihan Mumbai, **(2012) 5 SCC 157**, (iii) Esha Bhattacharjee vs. Managing Committee of Raghunathpur Nafar Academy **(2013) 12 SCC 649**, (iv) Majji Sannemma alias Sanyasirao vs. Reddy Sridevi and others, **2021 SCC Online SC 1260**, the Hon'ble Supreme Court has dealt with the issue of limitation.

9. **In the case of Kilaru Appa Rao vs. Sunku Prathapa Reddy, **2022 (6) ALT 288 (TS)** the Hon'ble Court observed:-**



“11. The dictum of law is that the delay if inordinate, should not be condoned by adopting casual or liberal approach. Courts are not expected to condone the delay in the following circumstances:-

- “1. When the reason urged is found to be concocted.
2. When the party who seeks for condonation of delay is found to be thoroughly negligent.
3. In case condonation of inordinate delay leads to substantial injustice to the opposite party due to the subsequent events.
4. The inordinate delay, if condoned, results in unending uncertainty and consequential anarchy. The list is illustrative and not exhaustive.”

10. Apart from the above paras, another edition reported in **V. Subba Rao and Others vs. Secretary to Government Panchayat Raj and Rural Development, Government of AP and Others (7) (1996) 7 SCC 626**, it was observed that:

“Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So, a life span must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. It is enshrined in the maxim interest *reipublicae ut sit finis litium* (It is for the general welfare that a period be put to litigation). The idea is that every legal remedy must be kept alive for legislatively fixed period of time”.

In the affidavit filed in support of application for condonation of delay that all the facts stating in the application are true and correct, the delay in filing the present appeal has not been properly explained and no sufficient reason has been stated. The affidavit filed in support of the application to condone the delay does not indicate valid reason. The appellant is also not vigilant in prosecuting the litigation. As per expressions of Hon'ble Apex Court, while condoning the delay the court



must see whether the deponent explained sufficient cause, involving substantial rights of parties alone is not the criteria. Unless sufficient cause is shown, that in case of inordinate delay, condoning the delay does not arise.

11. A conspectus of above judgments referred to (*supra*), the Hon'ble Apex Court observed that length of delay is no matter, acceptability of the explanation is the only criterion. It was further held that the primary function of a Court is to adjudicate the dispute between the parties and to advance substantial justice. Rules of limitation are not meant to destroy the rights of parties and they are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. Hon'ble Apex Court also cautioned that if the delay is occasioned by party deliberately to gain time then the Court should lean against acceptance of the explanation. The explanation should not be fanciful and concocted. The Courts while dealing with an application to condone delay should keep in mind the right accrued to other side and should deal with such application with utmost care and caution.

12. In the present case, the appellant failed to show sufficient cause to condone the delay as per the application and affidavit on record, the delay is nearly about 1525 days, this Court does not find any ground to condone the delay. Accordingly, I.A. No.8202/2024 is dismissed.

13. Consequently, the miscellaneous appeal is dismissed. No order as to costs. As a sequel, all the pending applications shall stand closed.

(Duppala Venkata Ramana, J)

Arun/-