

**(2026) 03 CHH CK 0424**  
**In the Chhattisgarh High Court**  
**Case No : MAC No. 875 Of 2023**

Lokesh Kumar Dewangan

APPELLANT

Vs

Saraswati Kurre

RESPONDENT

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**Date of Decision :** 12-03-2026

**Acts Referred:**

**Citation :** (2026) 03 CHH CK 0424

**Hon'ble Judges :** Rakesh Mohan Pandey, J

**Bench :** Single Bench

**Advocate :** Manish Sharma, Gaurav Singhal, Rakesh Kumar Thakur

**Final Decision :** Dismissed

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## Judgement

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Rakesh Mohan Pandey, J

1. Heard on I.A. No. 01/2023, an application for condonation of delay.
2. The owner of the vehicle has preferred this appeal assailing the judgment and award passed by the learned 3rd Additional Motor Accident Claims Tribunal, Raipur passed in Claim Case No. 694/17 dated 20.12.2022, whereby, the learned Tribunal granted compensation to the tune of Rs. 10,28,499/- with interest at the rate of 9% per annum on account of death of Ashok Kumar Kurre.
3. The appellant herein has preferred this appeal with delay of 81 days.
4. Mr. Sharma, Advocate appearing for the appellant would submit that due to poverty, the owner of the offending vehicle could not deposit mandatory security amount of Rs. 25,000/- with the concerned Tribunal, and therefore, appeal could not be preferred within prescribed period of limitation. He would pray to condone the delay.
5. On the other hand, learned counsel appearing for the claimants would oppose. Mr. Thakur would submit that the owner of the offending vehicle failed to explain

sufficient cause of delay in filing appeal. He would submit that application deserves to be rejected.

6. I have heard learned counsel for the parties and perused the application for condonation of delay with utmost circumspection.

7. Award was passed on 20.12.2022, whereas, this appeal was preferred on 13.06.2023. Record would show that the owner of the vehicle was represented before the learned Tribunal through a counsel. A plea has been taken that Rs. 25,000/- was deposited with the concerned Tribunal at belated stage, but dates have not been mentioned in the application for condonation of delay. It is nowhere stated as to when the appellant herein managed the fund and when it was deposited. The explanation appears to be farce.

8. Recently, Hon'ble Supreme Court in the matter of H. Guruswamy & Ors. Versus A. Krishnaiah Since Deceased by Lrs.<sup>1</sup> 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 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.

9. 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. 1/2023] is liable to be and is hereby rejected.

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