
(1986) 05 P&H CK 0004

In the Punjab And Haryana At Chandigarh

Case No : First Appeal From Order No. 516 of 1982

Mehar Chand Jain and others

APPELLANT

Vs

Nand Singh and others

RESPONDENT

Date of Decision : 28-05-1986

Acts Referred:

Limitation Act, 1963 — Section 6

Citation : (1987) ACJ 189

Hon'ble Judges : M.M. Punchhi, J

Bench : Single Bench

Advocate : Ravinder Arora, for the Appellant; J.S. Chahal, for the Respondent

Final Decision : Allowed

Judgement

Madan Mohan Punchhi, J.—The Motor Accident Claims Tribunal, Ludhiana, non-suited the Appellants on the ground that they had filed their claim application belatedly by two months and five days. Amongst the Appellants, two were concededly minors at that time. Section 6 of the Limitation Act has been invoked to contend on their behalf that the benefit of the said provisions could not be denied to the minor Appellants. Reliance has been placed on Chawli Devi v. Union of India (1973) 75 P. L. R. 848, Makhan Singh v. Gopal Singh 1974 A.C. 406. The contention raised is unanswerable. The learned Counsel for the Respondents has not been able to urge anything in reply. Additionally, the Appellants have pleaded cause of condonation of delay by alleging that they were under mental shock on account of the death of Lila Wanti, the wife of one of them and mother of the others and being illiterate persons nobody guided them for filing the claim application within time. The delay concededly is explainable under the provisions of Section 110-A(3) of the Motor Vehicles Act merely on the expiry of the period of limitation no right gets vested in the Respondents not to answer the claim of the claimants. Thus for these composite reasons, which are valid, it is but fair to allow the appeal, set aside the award and direct the Tribunal to condone the delay and decide, the application on merits. No costs.

2. The parties through their counsel are directed to put in appearance before the Tribunal on 25th July, 1986.