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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 25.02.2022

+ MAC.APP. 252/2021 & CM APPL. 30154-55/2021

RITU SHARMA

..... Appellant

versus

UNION OF INDIA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Ashish Chauhan, Advocate.

For the Respondent: Mr. Anil Dabas, Advocate for R-1.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The hearing was conducted through video conferencing.
2. Appellant seeks setting aside of order dated 21.02.2011 and seeks enhancement of compensation.
3. Appellant had sustained injuries in an accident on 03.10.2006. By order dated 21.02.2011 the claim was allowed and compensation awarded. Appellant seeks enhancement of the awarded amount. Subject appeal has been filed on 02.07.2020 with a delay of 3329 days.
4. The application seeking condonation of delay states that

appellant had approached a counsel for filing an appeal for enhancement. Though in the application it is mentioned that the counsel had deceived the appellant and instead of filing an appeal filed a caveat and kept on informing the appellant that appeal had been filed. It is contended by learned counsel for the appellant that in fact he had drafted an appeal and obtained a caveat report ut never filed the appeal.

5. Further it is contended that appellant in the year 2015 went to Dubai and kept on enquiring from her counsel about the fate of her appeal and was always informed that the appeal was not listed and was pending.

6. It is contended that now after the death of the earlier counsel, appellant has got to know that her appeal was never filed and accordingly the subject appeal was prepared and filed.

7. It is noticed that the impugned order is dated 21.02.2011 and the subject appeal has been filed on 02.07.2020 with a delay of 3329 days. Even if assuming the party had been misled by the counsel, a delay of over 9 years cannot be held to be a reasonable delay. Parties have also to be vigilant in pursuing their rights and remedies and not be permitted to sleep over their rights for several years and thereafter suddenly wake up and file an appeal.

8. The explanation rendered in the application does not constitute a sufficient cause for not filing or pursuing an appeal for over nine years. In that view of the matter, the application seeking condonation

of delay is dismissed.

9. Consequently, the appeal is also dismissed on the ground of being barred by limitation.

10. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J.

FEBRUARY 25, 2022

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