

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

Date of Reserve: April 9, 2010

Date of Order: 15th April, 2010

CM No. 411/2010 in MAC. APP. No. 8/2010

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15.04.2010

PRATAP SINGH

... Appellant

Through: Mr. S.L. Gupta, Adv.

Versus

MAQSOOD & ANR

... Respondents

Through: Mr. S.N. Parashar, Adv.

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

This application has been made by the appellant for condonation of delay in filing the appeal against an award of learned MACT whereby the appellant has sought enhancement in quantum of compensation. The order of learned MACT against which this appeal is preferred is dated 23rd August, 2008. The appeal has been filed on 18th November, 2009. The period of limitation for filing the appeal is 90 days. Thus, there is delay of 362 days. It is submitted by the appellant that he was prevented from filing the present appeal within the period of limitation due to the reason that insurance company did not deposit the awarded amount within the period of one month as ordered by learned MACT. The other reason given is that the appellant had no knowledge of law and the counsel for the appellant did not explain to him that he could go in appeal against the amount of compensation awarded to him. It was only in the month of November, 2009

that a well-wisher informed him that he was allowed to file appeal for enhancement of compensation.

2. The application is opposed by the counsel for insurance company who stated that the grounds given by the appellant were no ground in the eyes of law. He submitted that respondent had deposited the award amount with the Tribunal as directed and ignorance of law was no ground for condonation of delay.

3. There is delay of 362 days in filing of this appeal. The only explanation given by the appellant is that he was not aware of his rights of filing appeal. He was not informed by his counsel that he can file appeal. It is a well known maxim "*Ignorance of law is no excuse*" and the delay in filing the appeal cannot be condoned on the ground that he was not aware that he has a right to file an appeal. In order to condone the delay in filing the appeal, it is necessary that court should be satisfied that there were reasonable and sufficient grounds for condonation of delay. I consider that in this case no justified reason has been given by appellant for condonation of delay.

5. I find no force in the application. The application for condonation of delay is hereby dismissed.

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Consequently, the appeal also stands dismissed being barred by limitation.

April 15, 2010
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SHIV NARAYAN DHINGRA, J.