

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- Mac App No. 79/2025
CM Nos. 4393/2025 & 4394/2025

Swarn Singh, Age 38 years, ...Appellant(s)/Applicant(s)
S/o Sh. Harbans Singh,
R/o Village Rajpur Kamila,
Tehsil Nowshera District Rajouri.

Through: Mr. Syed Majid Shah, Advocate.

Vs

1. Oriental Insurance Co. Ltd. B.O. 1 Respondent(s)
Rajouri (Insurer of Offending Vehicle
bearing registration No. JK02AK-
9075.
2. Davinder Bakshi,
S/o Late. Sh. Tek Chand Bakshi,
R/o Ward No. 12, Rajouri (Owner of
Offending Vehicle bearing
registration No. JK02AK-9075.

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(23.07.2025)

- 1.** The applicant was one of the claimants in a claim petition on file No. 208/Claim arising out of an accident which came to take place on 04.09.2014 involving offending Bus bearing registration No. JK02AL-9075 owned by the respondent No. 2, driven by one Lalit Kumar alias Lovely Kumar and insured by the respondent No. 1-Oriental Insurance Company Limited.
- 2.** As a matter of fact there were 61 claim petitions arising out of the said accident which involved both death related claims as well as injury related claims.

3. By way of a common award dated 30.10.2023, all the sixty one (61) claim petitions came to be disposed of by the Motor Accidents Claim Tribunal (MACT), Rajouri.

4. The compensation so awarded by the Motor Accidents Claim Tribunal (MACT), Rajouri, came to be withdrawn by the applicant and later on after a gap of number of 496 days it has occurred to the applicant that he has not been justly compensated in the matter by the Motor Accidents Claim Tribunal (MACT), Rajouri and, as such, he has rushed with the institution of the present time barred appeal and, therefore, accompanied with an application CM No. 4393/2025 thereby pleading for condonation of delay citing the reasons as given in the paras 4 & 5 that the applicant was under a misconception that compensation awarded to him was final and binding and least aware that it could be enhanced in an appeal and only after a conversation with one of the known relatives and well wishers, name and identity undisclosed, in the second week of February, 2025, the applicant coming to know that the compensation has not been calculated properly and the same is on the lesser side, therefore, the cause for delay in not preferring the appeal under section 173 of the Motor Vehicles Act, 1988 which is nothing but frivolous.

5. It cannot be a matter of co-incidence that as against the said common award of the Motor Accidents Claim Tribunal (MACT), Rajouri, number of claimants have come aggrieved in appeal/s

under section 173 and all the appeals are time barred with applications filed and the present case is the latest one to join that beeline.

6. Since this Court is not finding any reason and cause which relates to the inability/disability of the applicant to file appeal against the award in time, as such, the application filed by the applicant is **dismissed** *in limine*.

(RAHUL BHARTI)
JUDGE

JAMMU
23.07.2025
Shivalee

