

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.564 of 2013

Nanhak Choudhary, Son of Late Inder Choudhary, resident of village-Amas Bazar
Tola Bair Bigha, P.S.-Amas, District-Gaya.

.....Appellant

Versus

1. National Insurance Co. Ltd. through its Divisional Manager, Shanti Market,
North of Gandhi Maidan, P.S.-Civil Lines, District-Gaya.

2. Mrs. Dev Kumari Devi, W/o Late Krishna Chouhan, resident of Pandeydih 6.
No. Baghmara, District-Dhanbad (Jharkhand).

(Owner of Truck No. JH-10F/9389)

.....(Opposite Parties).....Respondents

Appearance :

For the Appellant : Mr. Manoj Kumar Sinha, Advocate

For the Respondents : Mr. Ashok Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 19-02-2015

This file is brought under the heading “For Orders
(On Petitions)”.

Interlocutory Application No. 5710 of 2013

2. Heard the parties.

3. This is an appeal seeking enhancement of the
award but against the judgment dated 7th February, 2012 and
award dated 1st March, 2012, an application seeking certified
copy was filed on 28th August, 2012 which was made

available on 1st September, 2012, but the appeal was filed on 14th August, 2013 alongwith above interlocutory application seeking condonation of delay.

4. In order to condone the delay, it is stated that the appellant was rustic and after obtaining copy he fell ill and after contacting his counsel, there is no delay in preferring the appeal. But there is nothing to show the period consumed in taking steps for obtaining the certified copy and also to support the assertion of illness etc.

5. In view of the above, there appears no justification to condone the delay of more than a year and three months in preferring the appeal. Accordingly, finding no merit, the Interlocutory Application No. 5710 of 2013 is hereby dismissed; consequently, the appeal.

(Akhilesh Chandra, J)

Praveen-II/-

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