

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.156 of 2013

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1. Budhiya Kuer wife of Late Ramashish Ram.
 2. Maina Devi wife of Jhagru Ram.
 2. Residents of village Hangkarpur, P.O. Intaba, P.S. Rajpur District Buxar.

.... Appellant/s

Versus

1. United India Insurance Company, Rohtas.
2. Brahamdeo Singh son of Ram Bachan Singh.
3. Resident of village Debash Dihara, P.O. Dagari P.S Kudra District Kaimur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

10 04-12-2015

Heard counsel for the appellants and the respondents.

The present appeal has been filed against the order dated 31st March 2006 and Award dated 17th April 2008 passed by the Motor Vehicles Accident Claims Tribunal, Rohtas at Sasaram in M.V.Case No. 27 of 2005/75 of 2006, by which the court below has awarded compensation of Rs.1,59,500/-, earlier Rs.50,000/- was paid under Section 140 of the Motor Vehicle Act and after proper adjustment, direction has been given to pay Rs.1,09,500/- only after adjusting the said amount.

The victim came in trap of Tata Maxi 407 bearing Registration No. BR-24 B/4121 on the N.H 30. He died at the spot and thereafter the mother and the wife filed the present case

for compensation. Court has decided the amount of compensation as aforesaid, vide order dated 31st March 2008.

It appears on the supplementary affidavit filed by the respondent Company that the said amount has been paid vide Cheque No. 5088 dated 17th July 2008. After lapse of long 5 years the present appeal was filed without disclosing the cause of delay. Counsel for appellant has taken a plea that appellants had no knowledge about the disposal of the case, when they could know about the order, they obtained the certified copy of the same and filed the present appeal which has been stated in I.A.No. 8836 of 2014, which has been disputed by the Insurance Company that the statement made in the supplementary affidavit stating that the payment was made to the claimant on 17th July 2008. There is no explanation of delay in filing the appeal after lapse of such a long delay.

In such view of the matter, this appeal is dismissed on account of not furnishing explanation in causing delay in filing the appeal.

Accordingly, this appeal is dismissed.

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(Shivaji Pandey, J)