

HIGH COURT OF CHHATTISGARH, BILASPUR

M.A.(C) No. 804 of 2014

1. Jait Lal S/o. Punau Lal, aged about 40 years
2. Punni Bai, W/o. Jait Lal, aged about 38 years, both R/o Village Dongariya P.O.Keshda, Tahsil Simga, District Raipur (C.G.) (Now Bhatapara Balodabazar)

---- Appellants

Versus

1. Ramesh @ Balchand Yadav, Presently R/o Khursi par H.S.C.L. Labor Colony, Bhilai District Durg. Permanent R/o. Village Bahpur P.S.Devgaon District Azamgarh, U.P..... (*Driver*)
2. Dilip Khatwan, S/o Narayan Das Khatwani, R/o Shop No.84, B-Market, Sector-4, Bhilai District Durg(*Owner*).
3. National Insurance Company Limited, G.E. Road, Raipur, through Divisional Manager, National Insurance Company Limited, G.E. Road, Raipur

---- Respondents

For Appellant	:	Mr. Amiyakant Tiwari, Advocate.
For Respondent No.3	:	Mr. Ratan Pusty, Advocate.

HON'BLE SHRI JUSTICE GOUTAM BHADURI

ORDER ON BOARD

08/07/2015

Heard on I.A.No.1 for condonation of delay in filing the appeal.

2. The impugned award was passed by the learned Claims Tribunal, Raipur on 17.11.1999 in Claim Case No.09 of 1998.
3. A perusal of the case file would reflect that the appeal is barred by 5267 days. Learned counsel for the appellants filed application under Section 5 of the Limitation Act for condonation of delay. It is stated that the claimants are poor illiterate villagers who had entrusted their file to a counsel at Jabalpur through their local counsel Shri D.D. Verma. It is further stated that they were under an impression that

their appeal is pending and they used to visit the office of Shri D.D. Verma and were waiting for final decision of the High Court. However, when no result came even after lapse of 14 years, they enquired the matter and on such enquiry, it came to their notice that the appeal has not been filed. Thereafter, on receipt of record in the year 2014, the instant appeal has been filed subsequently on 01.08.2014.

4. I have gone through the application for condonation of delay. In the application for condonation of delay, the reasons have been stated that the appellants were under impression that since the file has been handed over to the counsel at Jabalpur through their counsel D.D. Verma, the appeal was filed in the High Court and as such they were waiting for decision and even after lapse of 14 years when the final verdict has not come, they enquired the matter and on such enquiry, it was revealed that no appeal has been filed. The reasons stated in the application do not impress upon this Court since the period of 14 years which has elapsed cannot be ignored or sidelined on mere say. If the appellants have stated that they used to visit the office of local counsel many a time it goes to indicate that proper care was not taken by the appellants in pursuing the appeal. The averments made in the application for condonation of delay do not inspire confidence that it is true statement of facts.
5. It appears that casual statements have been made whereby the entire allegations indirectly have been passed on to the counsels.
6. On perusal of the entire application under Section 5 of the Limitation Act, I do not find that sufficient reasons have been shown to condone such long delay of 5267 days in filing the appeal. Therefore, I am not inclined to entertain the application u/s 5 of the limitation Act.
7. In the result, the application for condonation of delay is dismissed. Consequently, the appeal filed by the appellants also stands dismissed.

Sd/-
(Goutam Bhaduri)
Judge