NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 862 of 2015

B. S. Sahu, S/o Padumram Sahu, R/o Village- Kottara, P.S.- Charama, District- Kanker, Chhattisgarh

---- Appellant

Versus

1. Lileshwar Sahu, S/o. Punitram Sahu, Aged About 28 Years, R/o Village : Badepara Araud, P.S.- Charama, Civil & Revenue District- Uttar Bastar-Kanker, Chhattisgarh
2. Basant Sinha, S/o. Bhagirathi Sinha, Aged About 28 Years, R/o Village : Chinaori, P.S.- Charama, District- Kanker, Chhattisgarh
3. Ramanand Sahu, S/o. Asruram Sahu, Aged About 35 Years, R/o Village : Araud, P.S.- Charama, District- Kanker, Chhattisgarh
4. The Oriental Insurance Company Limited, Opp. Adarsh Balmandir, Main Road, Dhamtari, District- Dhamtari, Chhattisgarh

---- Respondents

For Appellant : Mr. Vivek Kumar Tripathi, Advocate
For Respondents : None

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/07/2015

Heard on I.A.No.1, Application for Condonation of Delay.

1. This is an appeal against the award dated 14.03.2012, passed in Claim Case No.87/2010 by the learned Motor Accident Claims Tribunal, North Bastar, Kanker.

2. The appeal is apparently barred by 1125 days. It is stated that after passing of the award on 14.03.2012 in claim case, the appellant being the owner of the offending vehicle approached his counsel and he was directed to deposit Rs.25,000/- for filing the appeal. Subsequently, he arranged the money and deposited Rs.25,000/- on 22.06.2015 before the District & Session Judge, North Bastar. It is stated that subsequently he again approached to his counsel on 08.07.2015 but the records were told to have been lost. Thereafter, after

obtaining the certified copy, the instant appeal is being filed.

3. I have gone through the application for condonation of delay in filing the appeal.

4. The appellant is the owner of the offending vehicle. The manner in which the appellant has conducted himself, it do not inspire confidence. It is stated that initially in the year 2012 when he approached for filing of appeal, he was asked to deposit Rs.25,000/- which was deposited almost after 3 years on 22.06.2015 and thereafter also till 08.07.2015, he was sitting idle and thereafter contacted his counsel, however, the papers were lost and consequently again certified copy was applied for.

5. Reading of the application would show that the appellant was most negligent in conducting the case, as it has been taken it for granted that any delay which may not be bonafide may be condoned.

6. Reading the award would show that the award is of 14.03.2012 and virtually no reason has been explained for the delay in the application preferred, which is required under the law and apparently lacks bonafide. Consequently, I am not inclined to entertain the application for condonation of delay in filing the appeal and condone the delay of 1125 days for want of bonafide and insufficient reasons assigned.

7. In the result, the application for condonation is dismissed. Consequently, the appeal is also dismissed.

Sd/-
(Goutam Bhaduri)
Judge

ASHOK