

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1100 of 2015

1. Smt. Ramkumari Sahu W/O Late Kamalkant Sahu, Aged About 40 Years Occupation- House Wife,
2. Khagendra Kumar Sahu S/O Late Kamalkant Sahu, Aged About 19 Years Occupation- Student, Both are R/O Village- Purgaon, Police Station- Bilaigarh, District- Raipur, Presently District (Revenue And Civil)- Balodabazar - Bhatapara, Chhattisgarh (Applicant)

---- Appellants

Versus

1. Paras Ram Sahu S/O Ladu Ram Sahu, Aged About 32 Years (Driver Of The Tractor No.- C. G. 04 Z Q- 2181 And Trolley No.- C. G. 04 Z Q- 2182)
2. Ant Ram Sahu S/O Muni Ram Sahu, Aged About 48 Years Both are R/o Village- Pandaripani, Police Station- Bilaigarh, District- Raipur, Presently District (Revenue And Civil)- Balodabazar - Bhatapara, Chhattisgarh (Owner Of The Tractor No.- C. G. 04 Z Q- 2181 And Trolley No.- C. G. 04 Z Q- 2182)
3. The New India Insurance Company Limited, Through: Divisional Manager, Divisional Office- Kachhari Chowk, Raipur, District (Revenue & Civil)- Raipur, Chhattisgarh (Insurer Of The Tractor No.- C. G. 04 Z Q- 2181 And Trolley No.- C. G. 04 Z Q- 2182) (Non - Applicants)

---- Respondents

12/10/2015	Shri Anand Kesharwani, counsel for the appellants. Heard. The instant appeal is delayed by 1739 days. Perusal of the application under Section 5 of the Limitation Act would show that the appellant has contended that she is an illiterate lady and when unknown lawyer visited her village in a marriage occasion, she could know about the appeal is to be filed.	

The perusal of the award would show that the application for obtaining certified copy was made on 31/07/2015, the award was passed on 03/08/2010 and almost more than five years have been passed. The reasons stated in the application for condonation of delay appears to be concocted as virtually no reason is assigned. Admittedly, the case for condonation of delay is considered sympathetically, but it can not be accepted when the application appears to be not *bonafide*. Reading of the application shows that no *bonafide* reason has been assigned and I am not convinced that proper reason existed which restrained the appellant to file the application for condonation of delay.

In the result, the application for condonation of delay being devoid of force is dismissed.

Consequently, the appeal is also dismissed.

Sd/-

(Goutam Bhaduri)
Judge

Kamde