

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

FAO No.1191 of 2015 (O&M)

Date of decision: 16.07.2015

Smt.Neeraj Gupta and others

..... Appellants

versus

Sanjay Singla and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Sandeep Goyal, Advocate for the appellants

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Appellants have filed this appeal against the award passed by the Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal), whereby they were awarded compensation to the tune of Rs.14,80,737/-.

Along with the appeal, an application has been filed under Section 5 of the Limitation Act for condonation of delay of 1559 days in filing the appeal. It is stated in the application that appellant No.1 being the mother of two children, one of three months and other of eight years at the time of death of her husband, was under the impression that there is no limitation in filing the appeal and approached the counsel on 29.9.2014 only, thereafter, this appeal has been filed with the delay of 1559 days.

I find that the reasoning is not convincing. In this case, husband of appellant No.1 died on 8.11.2008. Immediately after the death, the appellant through her counsel filed the claim petition on 2.1.2009 which shows that she was aware about her rights to get compensation. The Tribunal passed the award on 26.3.2010 granting compensation to the tune of Rs.14,80,737/-. It appears that at that time, the appellant was satisfied with the compensation that is why she decided not file any appeal. Therefore, plea that she did not know about limitation is not acceptable particularly, when she was represented by the counsel before the Tribunal who successfully lead proper evidence to secure the award of such handsome amount.

If being so, there is no ground to condone the delay. Application is accordingly dismissed. Consequently appeal also stands dismissed.

16.07.2015*gk***(Kuldip Singh)
Judge**