

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CM No.16712-CII of 2014 in/ and
FAO No.6099 of 2014 (O&M)
Date of decision: 31.07.2015

Surya Bhan Patel

..... Appellant

versus

Lalit Sharma and others

..... Respondents

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Arun Singal, Advocate for the applicant-appellant

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)

This order shall dispose of application under Section 5 of the Limitation Act for condoning delay of 1216 days in filing the appeal.

Briefly stated, the award dated 5.8.2010 was passed by the Motor Accident Claims Tribunal, Sonipat (for short, 'the Tribunal') in favour of the present appellant for a sum of Rs.2,16,000/- on account of death of his wife. His two sons, who were co-claimants, were held to be not entitled to any compensation.

It is stated in the application that the applicant is illiterate person. He was not aware that award has been passed in his favour.

After becoming aware of the same, he filed execution of the award.

The compensation was disbursed to him about one month back.

Then he was told by the counsel that he can file the appeal against the award.

I am of the view that the ground mentioned in the application is not convincing. In this case, in addition to the present applicant, his two major sons were also party. They pursued the claim petition and award was passed in their favour. Therefore, his plea that they were not aware about the award cannot be accepted. Even if the applicant was suffering from disease, his two sons were there and the right to file appeal is in the common knowledge of general public. The appeal was filed with the delay of about 3 – ½ years. There is no just ground to condone the delay. Hence the application is dismissed. Consequently, the appeal also stands dismissed.

31.07.2015
gk

(Kuldip Singh)
Judge