

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1106 of 2016**

Umesh Kumar Pandey S/o Vishambhar Nath Pandey, Aged About 26 Years By Caste- Brahman, R/o- Qu. No. 25, Thana Para, Village- Parpa, P.S. Frezerpur (Parpa) Jagdalpur, District- Bastar (Chhattisgarh),.....(Claimant).

---- Appellant

Versus

1. Jagtaar Singh Chima S/o Harisingh Chima, Aged About 45 Years By Caste- Sikkh, R/o- Danteshwari Ward, Jagdalpur, District- Bastar, (Chhattisgarh), Present Address- Geedam Road Bahadurgda Jagdalpur, District- Bastar, (Chhattisgarh),..... (Driver And Owner).
2. Shriram General Insurance Co. Ltd., Issue Office- 10003-E-8, Rico, Industrial Area, Sitapur, Jaipur, Rajsthan, Current Address Commercial Building Devendra Nagar Raipur, (Chhattisgarh).

---- Respondents

For Appellant	:	Shri Vivek Tripathi, Advocate
For Respondent No.1	:	Shri P.K. Tulsyan, Advocate

Notice issued to respondent 2 returned unserved as left.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

13/12/2016

1. Heard on I.A.No.1/2016 for condonation of delay in filing the appeal as the instant MAC has been preferred after 358 days of its limitation.
2. Learned counsel would pray that the appellant has no knowledge about the limitation period, therefore, there is delay in filing the appeal. The delay is bonafide, hence, the same may be condoned and the matter may be admitted for consideration.

3. Perused I.A.No.1/2016, award dated 5.5.2015.
4. The appellant/claimant had filed the instant MAC after 358 days of its limitation for enhancement of the compensation. There is no mention of the fact as to when the claimant had received the copy of the award as per Section 168 (2) of the Motor Vehicles, Act.
5. From perusal of the copy of the award annexed along with the MAC, it appears that the certified copy of the award has been issued from the office of the District and Sessions Judge, Bastar- Jagdalpur attested by Head Copyist, goes to show that this is not the copy given to the appellant/claimant under Section 168 (2) of the Motor Vehicles Act by the Tribunal itself.
6. The claimant/appellant was represented before the trial Court, the argument that the appellant had no knowledge about the limitation for filing the appeal cannot be held as satisfactory cause for filing the instant MAC after 358 days. As the appellant/claimant failed to demonstrate the satisfactory cause of the delay in filing the appeal, I.A.No.1/2016 is dismissed.
7. Consequently, the MAC is also dismissed as barred by limitation.

Sd/

(Chandra Bhushan Bajpai)
Judge