

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1156 of 2016**

1. Smt. Paretan Bai W/o Shiv Prasad Pal, Aged About 38 Years
2. Shiv Prasad Pal, S/o Late Rikhiram Pal, Aged About 40 Years
3. Ku. Rajeshwari Pal, D/o. Shiv Prasad Pal, Aged About 17 Years
4. Keval Kumar, S/o Shiv Prasad Pal, Aged About 11 Years

Appellant No. 3 and 4 Minor Through Legal Guardian Mother Smt. Paretan Bai,

All R/o- Village- Pahara, P.S.- Nandini Nagar, Tahsil- Dhamdha, District- Durg, (Chhattisgarh),.....(Claimants).

---- Appellants

Versus

1. Birendra Shukla S/o Rangai Shukla, Aged About 42 Years R/o- Village- Fulpur, P.S.- Fulpur, District- Rajnangaon, (Chhattisgarh), At Present Avdhesh Transport Padumnagar, Bhilai-3, Tahsil- Patan, District- Durg, (Chhattisgarh),.....(Driver Of Tanker No. Cg-04, JA- 8213).
2. Avdhesh Kumar Yadav, S/o Purnamasi Yadav, R/o- Meena Complex, Padumnagar, Bhilai- 3, Tahsil- Patan, District- Durg, (Chhattisgarh), Through Rajesh Kumar Yadav, S/o Purnamasi Yadav, R/o- Meena Complex, Padumnagar, Bhilai-3, Tahsil- Patan, District- Durg, (Chhattisgarh),.....(Owner Of Tanker No. Cg-04, Ja- 8213).
3. The New India Insurance Company Limited, Through Branch Manager, Parekh Bhawan, Station Road, Durg, Tahsil And District- Durg, (Chhattisgarh), (Insurer Of Tanker No. Cg-04, Ja-8213).

---- Respondents

For appellants	:	Mr. Praveen Dhurandhar, Adv.
For Respondent No. 3.	:	Mr. Saurabh Sharma, Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order

07/11/2016

None for respondents No. 1 and 2 though served as per office note dated 2-11-2016.

Heard on I.A. No. 1/16 for condonation of delay in filing the instant MAC as the same has been filed after 336 days of its limitation.

Learned counsel for the appellants submits that the appellants No. 3 and 4 are minor brother and sister of the deceased. Appellants No. 1 and 2 are parents of the deceased. They applied for certified copy of the impugned award and received the same on 1-7-2015 and thereafter on 7-7-2015 they received the payment of the award amount. Thereafter on 22-8-2016 they have preferred the instant MAC. The delay being bonafide may be condoned and the appeal may be

admitted for hearing.

Perused the impugned award dated 30-3-2015. The claimants have not mentioned the fact whether under the provisions of Section 168 sub-section (2) of the Motor Vehicles Act they have received the copy of the award within a period of 15 days from the date of award or not. Even otherwise after obtaining the certified copy on 1-7-2015 and also after receiving the award amount on 7-7-23015, they have filed instant MAC On 22-8-2016 and the appellants have failed to demonstrate satisfactory cause for such delay in filing instant MAC.

On due consideration of the entire facts and settled law, this court is of the considered view that the appellants have failed to satisfactorily explain the delay in filing the MAC and I.A. No. 1/16 for condonation of delay being sans substance deserves to be dismissed.

Consequently, I.A. No. 1/16 is dismissed. As a result, instant MAC is also dismissed as barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge