

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1325 of 2016**

- Keshaw Prasad Gupta S/o Shiv Bhagwan Gupta, Aged About 55 Years R/o Village- Nayapara, Sirgitti, Thana- Tarbahar, Tahsil And District- Bilaspur Chhattisgarh, (Claimant)

---- Appellant**Versus**

1. Arvind Jangare S/o Kamal Prasad Jangare, Aged About 22 Years R/o Rohara, Thana City Kotwali, Mungeli, Tahsil And District- Mungeli Chhattisgarh, (Driver Of The Offending Vehicle Scorpio Jeep No. C. G. 10-B.B. 7002)
2. Santosh Singh, S/o Gowardhan Singh, Aged About 46 Years R/o Village- Jhaliyapur, Post- Fastarpur, Thana And Tahsil And District- Mungeli Chhattisgarh..... (Owner Of The Offending Vehicle Scorpio Jeep No. C. G. 10- B.B. 7002)
3. The National Insurance Company Limited, Through- Divisional Manager, Divisional Office, Taha Complax, Priya Darshani Nagar, Byapar Vihar Road, Bilaspur Chhattisgarh..... (Insurer)

---- Respondents

For appellant : Shri AL Singroul, Advocate
 For respondent No. : Shri Aditya Kumar, Advocate
 None for respondents 1 & 3 though served.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.12.2016**

Heard on IA No.01/16 for condonation of delay in filing the appeal as the appeal has been preferred after 120 days of its limitation.

2. Learned counsel for the appellant would submit that in the accident, the appellant has sustained several grievous injuries and is still under medical treatment. He was not in a position to file the appeal and more over due to insufficient fund, he could not file the appeal on time. He further submits that the appellant has no

knowledge about the period of limitation for filing the appeal, hence mistake has been committed by him, the delay is not intentional and is bonafide, hence, the same may be condoned and the appeal may be heard on its merits.

3. Perused the award dated 20.01.2016.

4. On perusal of the award it appears that copy of the award has been issued by head copyist from the office of District and Sessions Judge, Bilaspur. There is no disclosure regarding receipt of copy of the award under the provisions of Section 168(2) of the Motor Vehicles Act, 1988 within a period of 15 days from the date of award as the appellant was represented during trial. Also there is no disclosure of fact regarding compensation received by the appellant as per award dated 20.01.2016. Even the trial Court held that the appellant/claimant failed to prove permanent disability as he failed to submit any certificate in this regard. The appellant was required to demonstrate the above facts and also required to satisfy the delay caused in filing the instant appeal.

5. On due consideration, as the appellant failed to explain the delay satisfactorily, IA No.01/16 is hereby dismissed. As a consequence, the appeal too is dismissed as being barred by time.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE