

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1302 of 2016**

Laxman Yadav S/o Late Shri Dashrath Yadav, Aged About 40 Years
Occupation- Motor Mistry, (At Present Unemployed Because Of
Injuries), R/o Rajmahal Chowk, Near Durga Temple, Kawardha,
Tahsil- Kawardha, District- Kabirdham Chhattisgarh..... (Applicant)

---- Appellant**Versus**

1. Govindram Sahu S/o Lalit Sahu, Aged About 46 Years R/o Village-
Deguna, Police Station- Nandghat, District- Bemetara Chhattisgarh.
2. Nazir Khan, S/o Bashir Khan, Aged About 40 Years Occupation-
Transport Business, R/o Ward No. 14, H. No. 236, Maharpara,
Simga, District- Raipur Chhattisgarh.
3. Branch Manager, The Oriental Insurance Company Limited,
Divisional Office No. 01, Jail Road, Kachahari Chowk, Madina
Manjil, First Floor, Raipur, District- Raipur Chhattisgarh,
(Non Applicants)

---- Respondents

For Appellant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent No. 3	:	Shri P. Dutta, Advocate
None for respondent 1 though served as per service report.		
None for respondent 2 though served as officer note dated 23.11.2016		

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28/11/2016**

1. Heard on I.A.No.1/2016 for condonation of delay in filing the instant
MAC as the claimant has preferred the instant MAC after 257 days of its
limitation.
2. Learned counsel for the appellant would submit that under wrong
impression that the award of the Lower Court will be challenged by the
local counsel, he could not file the appeal before this Court and he was not
having knowledge about limitation period. As and when he came to know
about the award passed by the MACT and it has not been challenged

before the High Court, he applied for the certified copy on 17.8.2016 and received it on 24.8.2016, thereafter, filed this appeal. The appellant is a layman, rustic villager and the delay is unintentional and bonafide hence, same may be condoned and the appeal may be heard on its merits.

3. Perused the impugned award and I.A.No.1/2016 and the memo of appeal.

4. Nothing is said regarding the receipt of copy of the award under the provisions of Section 168 (2) of the Motor Vehicles Act, 1988 and the knowledge of the impugned award dated 3.10.2015 and no specific date has been mentioned when the appellant came to know that the award has not been challenged.

5. After perusal of the entire facts regarding some bill filed by the appellant which was not for the appellant and admission of the appellant that he had filed an application for payment of bill of Narayana Hospital from Sanjivani Kosh, it is clear that no document has been adduced regarding permanent disability and the appellant has not explained proper cause. The appellant was required to satisfy the delay of 257 days in filing the appeal.

6. On due consideration, as the appellant failed to explain the delay satisfactorily for filing the appeal, in the considered opinion of this Court, I.A.No.1/2016 for condonation of delay is sans substance. Hence, it is dismissed as not maintainable.

7. Accordingly, the MAC filed by the appellant/claimant is also dismissed as barred by 257 days of its limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge