

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1341 of 2016

1. Ghanshyam Nirmalkar S/o Shri Ram Ji Nirmalkar, aged about 28 years, R/o Jayanti Nagar, Ward No.16 Durg, P.S. Durg Mohan Nagar, Tahsil & Dist. Durg, Chhattisgarh(Claimant)

---- Appellant

Versus

1. Vakash Jameel S/o Mohammad Abdul Jameel, aged about 24 years, R/o 1/1-A, Jafar Nagar House No.-100 Nagpur (Maharashtra) (Driver of Maruti No. M.H.31-B-B-7666)
2. Smt. Saida Naaz Jameel W/o Mohammad Jameel, aged about 48 years, R/o 1/1-A, Jafar Nagar House No.-100 Nagpur (Maharashtra)(Owner of Maruti No. M.H.31-B-B-7666)
3. Divisional Manager, The New India Insurance Company Limited, Second Flore Jeevan Deep Building, Parliament Street New Delhi, Through- Divisional Manager The New India Insurance Company Limited, Chauhan Tower, Supela, Bhilai, Tahsil & Dist. Durg, Chhattisgarh(Insurer of Maruti No. M.H.31-B-B-7666)

---- Respondents

For Appellant – Shri Arvind Dubey, Advocate.

For Respondent No.3 – Shri P. Dutta, Advocate.

For Respondents 1 and 2 – None, service reports of notices awaited.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21-11-2016

1. Heard on I.A.No.1/2016 for condonation of delay in filing the appeal as the instant MAC has been preferred after 246 days of its limitation.
2. Learned counsel for the appellant submits that the appellant is a layman, he is not aware that against the finding of the claims tribunal appeal for enhancement of the compensation lie before this Court and even his advocate has not advised him to take shelter of this Court for enhancement, hence, the delay may be condoned and the appeal may be heard on its merit.
3. Perused the impugned award dated 03-10-2015 and the pleadings of I.A.No.1/2016. There is no discloser for the fact that when the claimant had received the copy of the award under the relevant provision of Section 168 Sub-section 2 of the Motor Vehicles Act, 1988 (in short 'the Act, 1988'). The

appellant has filed certified copy of the impugned award which is shown as delivered on 07-11-2015 and the instant MAC is preferred on 26-09-2016.

4. After perusal of said certified copy of the award, date of delivery, no-mentioning of the fact for the copy to be delivered to appellant under Section 168 Sub-section 2 of the Act, 1988, in the considered view of this Court, the appellant has failed to demonstrate satisfactory cause for delay in filing the instant MAC by 246 days.

5. Consequently, as satisfactory explanation for delay in filing the instant MAC has not been demonstrated by the appellant, I.A.No.1/2016 being devoid of substance is hereby dismissed. The instant MAC also stands dismissed being barred by 246 days of its limitation.

6. The MAC dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE