

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1452 of 2016**

1. Smt. Kavita Singh W/o Ashok Singh, Aged About 45 Years R/o Mohala- Kedarpur, Ambikapur, P.S. & Tahsi- Ambikapur, Distt. Surguja, Chhattisgarh
2. Ashok Singh S/o Late Rambadan Singh, Aged About 48 Years R/o Mohala- Kedarpur, Ambikapur, P.S. & Tahsi- Ambikapur, Distt. Surguja, Chhattisgarh(Claimants)

---- Appellants**Versus**

1. Rahul Kumar Choubey S/o Ramakant Choubey, Aged About 20 Years Occupation- Driver, R/o Mohala- Kedarpur Near Bhartiya Adarsh Vidyalaya, Ambikapur, P.S. & Tahsil- Ambikapur, District Surguja, Chhattisgarh(Driver)
2. Smt. Urmila Choubey W/o Ramakant Choubey, R/o Mohala- Kedarpur, Ambikapur, P.S. & Tahsi- Ambikapur, Distt. Surguja, Chhattisgarh(Owner)
3. Branch Manager, United India Insurance Company Ltd. Branch Office- Brahma Road Near Kumkum Hotel Ambikapur P.S. & Tahsil Ambikapur, Distt. Surguja, Chhattisgarh (Insurer)

---- Respondents

For appellant : Shri AN Pandey, Advocate
 For respondent No.3 : Smt. Meera Jaiswal, Advocate on behalf
 of Shri Pankaj Agrawal, Advocate.
 None for respondents 1 & 2 though represented.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06.12.2016**

Heard.

2. The instant appeal has been preferred after 216 days of its limitation.
3. Heard on IA No.01/16 for condonation of delay in filing the appeal.

4. It is submitted on behalf of the appellants/claimants that the appellants are poor persons, not having any knowledge about the legal proceedings due to which they could not file the instant appeal within the time, hence, the delay is bonafide not deliberate, delay may be condoned and the appeal may be admitted for hearing.

5. Perused the impugned award.

6. A perusal of the copy of the order, there is no specific mention in the application that when they have received the copy of the award. In absence of any such facts, it may be presumed that on the date of the award, the claimants/appellants had received a copy of the award. Learned counsel for the appellants failed to submit when they received any awarded amount in compliance of award dated 17.12.2015. In the said application, it is mentioned that the appellants are poor persons, they were not having any knowledge about the legal proceedings. A perusal of the award dated 17.12.15, it appears that the claimants were duly represented by their counsel. The appellants are duty bound to explain the delay satisfactorily for filing the instant appeal. The appellants/claimants who contested the said claim case No.203/2015 from its filing on 01.8.2015 to till the award dated 17.12.2015 failed to explain the satisfactory cause for delay of 216 days.

7. On due consideration, the reasons mentioned in the application, the ground for delay of 216 days in filing the appeal

does not inspire confidence after perusal of the impugned award. Consequently, this Court is of the opinion that no case is made out on facts for condonation of delay in filing the appeal. The application is thus liable to be dismissed and is accordingly dismissed.

8. As a consequence, the appeal too is dismissed as being barred by time.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE