

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1518 of 2016**

1. Smt. Sunita Bai Wd/o Late Shri Raju, Aged About 48 Years R/o Dhobi Chowk Ramsagarpara Dhamtari, Thana & Tahsil- Dhamtari, Civil & Revenue Distt. Dhamtari, Chhattisgarh
2. Ku. Sarita Rajak D/o Late Shri Raju, Aged About 18 Years R/o Dhobi Chowk Ramsagarpara Dhamtari, Thana & Tahsil- Dhamtari, Civil & Revenue Distt. Dhamtari, Chhattisgarh(Claimants)

---- Appellants

Versus

1. Ramesh Kumar Kaushik S/o Shri Tulasi Ram Kaushik, Aged About 44 Years R/o Gayatri Mandir Road Risaipara Ward Dhamtari, Thana & Tahsil- Dhamtari, Civil & Revenue District- Dhamtari, Chhattisgarh
2. Anil Kumar Kaushik S/o Shri Tulasi Ram Kaushik, Aged About 40 Years R/o Gayatri Mandir Road Risaipara Road Dhamtari, Thana & Tahsil- Dhamtari, Civil & Revenue District- Dhamtari, Chhattisgarh
3. The National Insurance Company Limited, Branch No.1, Naveen Bajar Phool Chowk, G.E.Road Raipur, Civil & Revenue District Raipur, Chhattisgarh

---- Respondents

For appellant : Shri Sumit Shrivastava, Advocate
 For respondents : None present.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.11.2016.**

Heard.

2. The instant appeal has been preferred after 740 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 that both the appellants/claimants are ladies, i.e. wife and daughter of the deceased, they were not aware of passing of the award and also due to lack of advice and finance, they could not file the appeal on time. He further submits that immediately after knowledge of passing of the award, they requested their counsel to obtain the certified copy of the award and after receipt of the certified copy of the award, they filed the instant appeal. Hence, the delay is bonafide, same may be condoned and the matter may be admitted for hearing.

5. Perused the impugned award.

6. The appellants/claimants have filed the instant appeal after 740 days of its limitation. Before the trial Court, they were represented through counsel. There is no submission regarding receipt of the copy of the award under Section 168(2) of the Motor Vehicles Act, 1988. Also as they were represented before the court below, it cannot be held that they were not aware of passing of the award on 01.8.2014. The appellants/claimants are duty bound to explain the satisfactory cause for delay of 740 days.

7. On due consideration of the reasons mentioned in the application, the ground for delay of 372 days in filing the appeal does not inspire confidence after perusal of the impugned award. The claimants/appellants have failed to demonstrate satisfactory cause for such delay. 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