

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1580 of 2016**

1. Shanker @ Shanker Lal Patra S/o Late Sukaloram Patra, Aged About 50 Years R/o Village Sohgaon, Tahsil And Thana Pakhanjore, Distt. Uttar Bastar, Kanker, Chhattisgarh
2. Smt. Padmani Patra, W/o Shanker Lal Patra, Aged About 45 Years R/o Village Sohgaon, Tahsil And Thana Pakhanjore, Distt. Uttar Bastar, Kanker, Chhattisgarh(Claimants)

---- Appellants**Versus**

1. Shri Ishwar Lal Mandavi S/o Tularam Mandavi, Aged About 22 Years R/o Village Kariya, Thana Dugali, Distt. Dhamtari, Chhattisgarh(Driver)
2. Shri Khilawan S/o Lalji, R/o Sandhya Chowk, Kurud, Distt. Dhamtari, Chhattisgarh(Owner)
3. United India Insurance Company Limited, Through Its Branch Manager, Bathena Chowk, Sinha Complex, Raipur Road, Distt. Dhamtari, Chhattisgarh(Insurer)

---- Respondents

For appellants	: Shri Alok Tiwari, Advocate.
For respondents	: None present.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.11.2016.**

Heard.

2. The instant appeal has been preferred after 375 days of its limitation.
3. Heard on IA No.01/16 for condonation of delay in filing the appeal.
4. Learned counsel for the appellants would pray that the appellants are poor rustic villagers, they were not having knowledge regarding filing of appeal for enhancement, the

appellants have no knowledge when the awarded amount was disbursed to them. Learned counsel further prayed that the trial Court erred in applying multiple on the basis of the claimants, but as per settled law it was required to apply the multiplier on the basis of the deceased as she was working on contract basis at Panchayat Shyamnagar. There is every possibility that the awarded amount may be enhanced, hence, the delay of 375 days may be condoned and the appeal may be heard on its merits.

5. Perused the impugned award.

6. There is no fact whether the claimants/appellants had received the copy of the award under Section 168(2) of the Motor Vehicles Act, 1988. There is no fact showing whether the awarded amount has been disbursed to them or not. A perusal of the entire material and looking to the delay of 375 days, as the appellants failed to demonstrate satisfactory cause for filing the instant appeal lately, in the considered view of this Court, IA No.01/16 is dismissed as not maintainable. Also the appeal is also dismissed as time barred.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE