

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1572 of 2016

1. Smt. Sushma Patel Wd/o Late Shanti Kumar Patel, Aged About 23 Years
2. Sushant Kumar Patel S/o Late Shanti Kumar Patel, Aged About 1 Years

Minor Through His Natural Guardian Mother Smt. Sushma Patel Wd/o Late Shanti Kumar Patel, Aged About 23 Years, R/o Village Temar, Tehsil Sakti, District Janjgir-Champa, Chhattisgarh

3. Smt. Photo Bai W/o Hulas Ram Patel, Aged About 50 Years
4. Hulas Ram Patel S/o Late Minesh Ram Patel, Aged About 58 Years

Allo are by caste Patel and R/o Village Temar, Tehsil Sakti, District Janjgir-Champa, Chhattisgarh(Claimants)

---- Appellants

Versus

1. Santosh Mittal S/o Late Shrikishan Mittal, R/o Village Lailunga, Tehsil Lailunga, District Raigarh, CG(Owner Of Vehicle)
2. National Insurance Company Limited, 13 Minu Complex, Kosabadi, Korba, District Korba, CG(Insurer Of Vehicle)

---- Respondents

For appellants	:	Mr. Ajay Chandra, Advodate.
For Respondents	:	Not noticed.

ORDER

25/11/2016

1. Heard on I.A. No. 1/2016 for condonation of delay in filing the instant appeal as the same has been preferred after a delay of 673 days.
2. Learned counsel for the appellants submits that the claimants are women, one child and one claimant is aged about 58 years, they were not informed regarding the award dated 13-10-2014. They have received the awarded amount from the Tribunal. The delay is bonafide. Hence the same may be condoned and the matter may be heard on merit.
3. Perused the impugned award.

4. Instant MAC has been preferred by the claimants/appellants after 673 days of its limitation. There is no disclosure of fact in the I.A. No. 1/16 as to when the appellant received the copy of the award as per provisions of sub-section (2) of Section 168 of the Motor Vehicles Act, 1988. There is nothing to demonstrate even after disbursement of the awarded amount why the claimants have chosen to prefer the appeal so lately. It is the duty of the appellant to demonstrate satisfactory cause for delay.
5. On due consideration, the appellant has utterly failed to show satisfactory cause for delay of 673 days in filing the appeal. Consequently, I.A. No. 1/2016 is dismissed. In the result, instant MAC is also dismissed as barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge