

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 229 of 2016

1. Smt. Varidhi Sen W/o Late Chandrashekhar Sen, Aged About 31 Years R/o Dharam Nagar, Near Pachpedhi Naka, Post Office- Raipur, Police Station- Tikrapara, Raipur, District- Raipur, Chhattisgarh
2. Abhishek Sen S/o Late Chandrashekhar Sen, Aged About 9 Years Minor Through Legal Guardian Mother Smt. Varidhi Sen Appellant No.1, R/o Dharam Nagar, Near Pachpedhi Naka, Post Office- Raipur, Police Station- Tikrapara, Raipur, District- Raipur, Chhattisgarh
3. Ku. Chanchal Sen D/o Late Chandrashekhar Sen, Aged About 6 Years Minor Through Legal Guardian Mother Smt. Varidhi Sen Appellant No.1, R/o Dharam Nagar, Near Pachpedhi Naka, Post Office- Raipur, Police Station- Tikrapara, Raipur, District- Raipur, Chhattisgarh(Claimants)

---- Petitioners

Versus

1. Suresh Nishad S/o Jhamman Nishad, Aged About 22 Years R/o Ashoka Ratan, V.I.P. Road, Khamardih, Raipur, District- Raipur, Chhattisgarh (Driver Of Vehicle Truck Dumper Bearing Registration No. C.G./04/ J/8492)
2. M/s Arti Buildcon Private Limited, Khamardih, Shankar Nagar, Raipur, District- Raipur, Chhattisgarh (Registered Owner Of Vehicle Truck Dumper Bearing Registration No. C.G./04/ J/8492)
3. The Oriental Insurance Company Limited, Through Divisional Manager, Divisional Office, Madina Building, Jail Road, Post Office- Raipur, Police Station- Gol Bazar, District- Raipur, Chhattisgarh (Insurer Of Vehicle Truck Dumper Bearing Registration No. C.G./04/ J/8492)(Non-Claimants)
4. Smt. Satyabai Sen W/o Late Gajanand Sen, Aged About 58 Years R/o Dharam Nagar, Near Pachpedhi Naka, Post Office- Raipur, Police Station- Tikrapara, Raipur, District- Raipur, Chhattisgarh
5. Madhu Sen S/o Late Gajanand Sen, Aged About 27 Years R/o Dharam Nagar, Near Pachpedhi Naka, Post Office- Raipur, Police Station- Tikrapara, Raipur, District- Raipur, Chhattisgarh
6. Falendra Kumar Sen S/o Late Gajanand Sen, Aged About 27 Years (Mental Disorder Due To Which On Behalf Of Through His Legal Guardian Mother Smt. Satyabai Sen Respondent No.4) R/o Dharam Nagar, Near Pachpedhi Naka, Post Office- Raipur, Police Station- Tikrapara, Raipur, District- Raipur, Chhattisgarh(Respondent No. 4 To 6 Applicants/ Claimants)

---- Respondents

For Appellants	:	Shri Shivendu Pandya, Advocate
For Respondent No.3	:	Shri Ratan Pusty, Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/05/2016

1. Heard on I.A.No.1, application for condonation of delay in filing the appeal.
2. The appeal is barred by 2234 days. The explanation offered in the application is that after the death, the appellants were shocked. They were facing financial problem and were under erroneous impression that the award is full and final and no appeal could be preferred. Later on, they were advised by the local counsel that the appeal may be preferred for enhancement of compensation. Therefore, appeal has been filed.
3. All the reasons which have been stated are not relevant because the appellants were party to the claim proceedings and pursued their application which culminated in award passed on 17.8.2009. This Court has also found that a total compensation of more than 12 lakhs have been awarded. Considering the aforesaid circumstances and the gross delay in filing the appeal without satisfactory explanation for the delay, I am not inclined to allow the application.
4. The application for condonation of delay in filing the appeal is, therefore, rejected and consequently, the appeal is also dismissed as barred by limitation.

Sd/-
(Manindra Mohan Shrivastava)
Judge