

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1508 of 2016**

- Dhruwram @ Dwaru Netam S/o Sonsay Netam, Aged About 35 Years R/o Platpara Lanjoda, Tahsil & District Kondagaon, Chhattisgarh(Claimant)

---- Appellant

Versus

1. Wamdev Mahar S/o Rajaram Mahar, Aged About 33 Years R/o Dhamtari, Tahsil & District- Dhamtari, Chhattisgarh, Add. Royal Travels Bus Stand Pandri Raipur, Chhattisgarh, Through- Syed Anwar Ali, S/o Syed Ahmed Ali, R/o Devendra Nagar, Raipur, District Raipur, Chhattisgarh(Driver Of Vehicle Bus Bearing Registration No. C.G.04/ D M / 7866)
2. Syed Anwar Ali S/o Syed Ahmed Ali, R/o Devendra Nagar Raipur, District- Raipur, Chhattisgarh, Office Address- Rayal Travels, Bus Stand, Pandri Raipur, Tahsil & District Raipur, Chhattisgarh(Owner Of Vehicle Bus Bearing Registration No. C.G.04/ D M / 7866)
3. The Oriental Insurance Co. Ltd., Through- Division Manager/ Office Address- Madina Manjil, Jail Road, Near Kachhari Chowk Raipur, Tahsil & District- Raipur, Chhattisgarh(Insurer Of Vehicle Bus Bearing Registration No. C.G.04/ D M / 7866)

---- Respondents

For appellant : Shri Krishna Kumar Dewangan, Advocate
 For respondents : None present.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.11.2016.**

Heard.

2. The instant appeal has been preferred after 372 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 appellant that the appellant is suffering from pain, he is not in a position to move frequently and depends upon others for help. The appellant is not aware of the provisions of law, his financial condition is not good as he suffered heavy expenditure in his medical treatment, hence, he was not in a position to file the appeal in time. The delay occurred is bonafide, hence the same may be condoned and the matter may be heard.

5. Perused the impugned award.

6. In IA No.01/16 or during argument no facts were mentioned regarding receipt of the copy of the award under Section 168(2) of the Motor Vehicles Act, 1988. On perusal of the impugned award dated 25.7.2015, it appears that the claimant had received the amount from the insurance company through smart card and he is capable of performing his work. Also for the entire bill, the concerned Tribunal after accepting the same passed the award dated 25.7.2015.

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 claimant/appellant is required to satisfy the delay in filing the instant appeal. 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**

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