

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1399 of 2016**

- Banshilal S/o Late Shri Narsing Das, Aged About 53 Years R/o Village Tongpal, District Sukma, Chhattisgarh, At Present R/o Vijay Ward No. 2, Civil And Revenue District Bastar, Chhattisgarh, Near The House Of Lala Jagdalpuri
- Smt. Vimla Devi W/o Banshilal, Aged About 50 Years R/o Village Tongpal, District Sukma, Chhattisgarh, At Present R/o Vijay Ward No. 2, Civil And Revenue District Bastar, Chhattisgarh, Near The House Of Lala Jagdalpuri(Claimants)

----Appellants**Versus**

1. Bhawarlal Rathi S/o Damodar Rathi, Aged About 55 Years R/o Abhanpur, Thana Abhanpur, Civil And Revenue District Raipur, Chhattisgarh(Driver & Owner Of The Offending Vehicle Bolero C.G.04 K Q 5444)
2. Branch Manager, National Insurance Company Limited, First Floor, Naveen Bazaar, Ful Chowk, G.E.Road, Raipur, Civil And Revenue District Raipur, Chhattisgarh, At Present In Front Of Anupama Talkies, Chitrakot Road, Jagdalpur, Civil And Revenue District Bastar, Chhattisgarh(Insurer Of The Offending Vehicle Bolero C.G.04 K Q 5444)

---- Respondents

For appellants : Shri Punit Ruparel, Advocate
 None for respondent No.1 though represented.
 None for respondent No.2 though served.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23.12.2016**

Heard.

2. The instant appeal has been preferred after 338 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/claimants that the appellants, who are the parents of deceased Yogesh Rathi, were depend upon him. They were not having enough money to prefer the appeal, they waited for the amount of compensation with hope to get some part of compensation so they can prefer appeal, hence some delay has been occurred, the same may be condoned and the appeal may be heard on its merits.

5. Perused award dated 31.7.2015.

6. A perusal of the copy of the order, it appears that the said copy was received from the copying Section under the seal and signature of head copyist, O/o. District and Sessions Judge, Bastar at Jagdalpur. The appellant has not disclosed regarding receipt of copy of award under the provision of Section 168(2) of the Motor Vehicles Act, 1988. Even the appellants have not disclosed regarding the amount of compensation received by them after the passing of the award. There is no disclosure on the facts whether any documents have been filed for execution proceedings before the concerned Tribunal. The appellants are expected to explain the delay satisfactorily, but in the present matter, the appellants have failed to explain the delay of 338 days in filing the appeal. Consequently, IA No.01 is dismissed.

7. As a consequence, the appeal too is dismissed as being barred by time.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE