NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1468 of 2016

1. Shrawan Kumar Dewangan S/o Narmada Prasad Dewangan, aged about 30 years, R/o Sharda Para, Near Janta School, Power House, Camp-2, Bhilai, Police Station- Chhawni, Tahsil and District Durg, Chhattisgarh .....(Claimant)

---- Appellant

Versus

1. Balram Yadav S/o Chaitram Yadav, aged about 30 years, R/o Near Priyadarshaniya School, Supela, Bhilai, Tahsil and District- Durg, Chhattisgarh .....(Driver of Truck Trailer No.C.G.07-C-1379)
2. Dalbir Singh S/o Swarn Singh, Proprietor- Heavy Transport- Company Hathkhoj, R/o Heavy Transport Company Hathkhoj, Bhilai, Tahsil and District- Durg, Chhattisgarh .....(Registered owner of Truck Trailer No. C.G.07-C-1379)
3. The New India Insurance Company Limited, through the Branch Manager, Branch Office, Parakh Bhawan, Station Road, Durg, Chhattisgarh

---- Respondents

For Appellant – Shri Goutam Khetrapal, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-11-2016

1. Heard on I.A.No.1/2016 for condonation of delay in filing the instant MAC.

2. The claimant/appellant has filed the instant MAC after 728 days of its limitation.

3. Learned counsel for the appellant would submit that after the accident the appellant lost his shop and went to high depression and he was not in a position to recover from fear of the accident and the claimants had no knowledge about the impugned award dated 30-06-2014. When the appellant met his advocate and as per advice he contacted lawyer and thereafter after arranging some fund, he has filed the instant MAC. Therefore, the delay is unintentional and bonafied, hence the same may be condoned.

4. Perused the impugned award, memorandum of the instant MAC and

I.A.No.1/2016. The appellant has not dislosed this fact as to whether he had received copy of the award dated 30-06-2014 under the mandatory provision of Section 168 Sub-section 2 of the Motor Vehicles Act, 1988, also not disclosed when the appellant met his local counsel, also there is no material regarding the ailment of the appellant, for which period the said high depression is mentioned.

5. On due consideration, as the appellant has failed to demonstrate sufficient cause for delay of 728 days of its limitation, in the considered view of this Court, I.A.No.1/2016 is having no substance, hence the same is dismissed as not maintainable. Also the instant MAC stands dismissed being barred by 728 days of its limitation.

6. The MAC dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

Aadil