

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1605 of 2016**

1. Maheshwar Singh Kanwar S/o Aasman Singh Kanwar, Aged About 22 Years
2. Ashwani Kumar Kanwar S/o Aasman Singh Kanwar, Aged About 27 Years

Both by caste Kanwar R/o Village Lakhali, Police Station Saragaon,
District Janjgir-Champa, Chhattisgarh

----Appellants**Versus**

1. Ram Lal S/o Mohan Sidar, Aged About 55 Years
2. Shanti Bai W/o Ram Lal Sidar, Aged About 50 Years

Both are by Caste Gond R/o Village Lakhali, Police Station Saragaon, At
Present Address Village Parsadakala, Police Station Baradwar, Tehsil Sakti,
Civil And Revenue District Janjgir-Champa, CG

.....(Claimants)

---- Respondents

For appellants : Mr. Govind Dewangan, Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01/12/2016**

1. Heard on I.A. No. 1/16 for condonation of delay in filing the instant MAC as the same is filed after 348 days of its limitation.
2. Learned counsel for the appellants submits that the appellants are totally dependent on their parent. They are not having any source of income. They have paid only mandatory deposit for the purpose of filing of instant MAC. They were not having any knowledge to file instant MAC. Execution proceedings against them are going on. Till date they have not deposited awarded amount but for the mandatory deposit to file the appeal. It is submitted that the delay is bonafide hence the same may be condoned and the appeal may be heard on merit as they have a good case to argue.
3. Perused the impugned award dated 1-9-2015, memo of appeal and I.A. No. 1/16.

4. The impugned award is passed on 1-9-2015. Even after 15 months, the appellants have not deposited any amount for satisfaction of the said award. They have only deposited mandatory amount compulsorily required to file appeal. The appellants have not disclosed the fact that when they received the copy of the award under Section 168 sub-section (2) of the Motor Vehicles Act. In the present appeal, certified copy of the impugned award received only by an application dated 28-7-2016 is filed. Looking to the entire facts, as the appellants have not satisfactorily explained the cause of delay of 348 days, I.A. No. 1/16 deserves to be dismissed.
5. Consequently, I.A. No. 1/16 for condonation of delay in filing the appeal is dismissed. As a result, instant MAC is also dismissed as barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge