

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.3969 of 2016 (O&M)

Date of Decision.04.10.2016

Shiv Kumar

.....Appellant

Vs

Balbir Singh and others

.....Respondents

Present: Mr. R.S. Mamli, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The appeal is filed after delay of 489 days. Explanation given
in the application reads thus:-

“That there is delay in filing the appeal. The delay in filing the appeal has occurred because the appellant is very poor person and he does not have any source of income. The appellant was unable to arrange Rs.25000/- for depositing under Section 173 of the Motor Vehicles Act. The appellant ultimately has arranged the amount and now the same is being deposited. In all this process the above mentioned delay has been occurred. The delay is not intentional and deliberate but due to the reason explained above.”

The application is wholly misconceived. No reasonable explanation has come.

Even on merits also, the accident had taken place on 07.11.2011. The driving licence had expired in September, 2010 and was not renewed from 05.09.2010 to 17.11.2011. It was renewed on 18.11.2011.

years and as per Section 15 of the Motor Vehicles Act, the application for renewal of the licence has to be made within 30 days from the date of expiry of the licence. In case the application has not been made within 30 days then the renewal will not be effective from the date of expiry of driving licence. Since the application has been submitted after 30 days from the date of expiry of licence, the renewal cannot be deemed to be from the date of expiry of the driving licence and therefore, the driving licence cannot be said to be valid at the time of accident.

For the foregoing reasons, I do not intend to differ with the Award passed by the Tribunal. No ground for interference is made out. The appeal is dismissed both on the ground of limitation as well as on merits. The amount of Rs.25,000/- deposited before this Court is directed to be transmitted to the Tribunal for onwards transmission to the claimants.

(AMIT RAWAL)
JUDGE

October 04, 2016

Pankaj*

Whether reasoned/speaking Yes

Whether reportable No