

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1580 of 2017

Ganga Ram S/o Aghoriram Jaiswal, Aged About 31 Years R/o Village Bhatgaon, Police Station Bilaigarh, District Raipur, Now Baloda Bazar Bhatapara Chhattisgarh

---- Appellant

Versus

1. Smt. Mehattrin Bai Wd/o Late Shivraj Yadav, Aged About 33 Years R/o Village Bhatgaon, Tahsil Bilaigarh, District Raipur, Chhattisgarh Now Baloda Bazar Bhatapara Chhattisgarh
2. Minor Jagdish S/o Shivraj Yadav, Aged About 8 Years
3. Minor Komal Prasad S/o Shiv Raj Yadav, Aged About 6 Years
Both Minors Through Legal Guardian Mother Smt. Mehatarin Bai, Wd/o Late Shivraj Yadav,
All are R/o Village Bhatgaon, Tahsil Bilaigarh, District Raipur, Chhattisgarh Now Baloda Bazar Bhatapara Chhattisgarh
4. Noni Bai W/o Shri Kartik Ram, Aged About 62 Years
5. Kartik Ram S/o A. Ram Aged About 70 Years
Respondent No. 4 & 5 are R/o Village Bhatgaon, Police Station Bilaigarh, District Raipur Chhattisgarh Now Baloda Bazar Bhatapara Chhattisgarh
6. The Oriental Insurance Company Limited, Kachhari Chowk, Raipur District Raipur Chhattisgarh

---Respondents

For Appellant	:	Mr. C.K. Sahu, Advocate
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/11/2017

1. Present is an appeal by the Owner of the offending vehicle challenging the award dated 23.03.2005, passed by the 1st Additional Motor Accident Claims Tribunal, Baloda Bazar, District Raipur, Chhattisgarh, in Claim Case No. 32/2005.
2. The appeal has been filed with a delay of 4515 days i.e. delay of 12 years and 4 months.

3. The only ground of seeking condonation of the delay is that the appellant was not aware of the execution proceeding which were initiated against him. In addition to the ground of his being poor and a rustic villager.
4. No sufficient material has been produced by the appellant to justify the delay caused in the filing of the appeal. Moreover, from the record it does not appear that the original award which was passed on 23.03.2005 was an ex-parte award. Rather, it appears that the appellant was duly noticed and had contested the case before the Tribunal and therefore it is hard to believe that the present appellant was not aware of any order under the Motor Vehicles Act against him. That he has also not given any explanation as to what efforts had been made to keep a track on the proceedings before the Tribunal when the original matter was pending. Giving to the facts and circumstances of the case, this Court does not find any sufficient material produced before this Court with which the award dated 23.03.2005 could be entertained or interfered with at this belated stage.
5. The appeal of the appellant thus being inordinately delayed with no plausible explanation provided, the I.A. No.1, which is an application for condonation of delay in filing the appeal, deserves to be and is accordingly rejected. As a consequence, the appeal also stands rejected.

Sd/-
(P. Sam Koshy)
Judge