

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1587 of 2017

Bhimi Bai D/o Beduram Nishad Aged About 34 Years Cost Kewat
R/o Village Angari, Thana And Tahsil District Balod
Chhattisgarh.....(Claimant)

---- Appellant

Versus

1. Mahendra Pal S/o Gulab Singh Netam Aged About 38 Years R/o
Village Angari, Thana And Tahsil, District Balod
Chhattisgarh.....(Driver)
2. Gulab Singh Netam S/o Manbodhan Singh Netam R/o Village
Angari, Thana And Tahsil, District Balod Chhattisgarh.....
(Owner)
3. National Insurance Company Limited, Branch, Branch Office Parakh
Bhawan Station Road Durg District Durg Chhattisgarh.....
(Insurer).

---Respondents

For Appellant	:	Mr. Purnendra Khichariya, Advocate on behalf of Mr. A.C. Sahu, Advocate
For respective Respondent	:	Mr. Kapil Maini, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/12/2017

1. Present is an appeal under Section 173 of the Motor Vehicles Act
assailing the award dated 07.11.2015, passed by the Motor Accident
Claims Tribunal, Balod, Chhattisgarh, in Claim Case No. 115/2014.
Vide the impugned award, the Tribunal in an injury case has
awarded a compensation of Rs.70,000/- with interest @ 8% per
annum.
2. The award was passed on 07.11.2015 and the present appeal has
been filed after about 2 years time i.e. on 13.11.2017, thus there is a
delay of about 638 days.
3. Along with the present appeal an application I.A. No.1 has been filed
seeking condonation of delay. The only reason assigned for

condoning the delay is the appellant being poor and illiterate lady. However, no substantial material is produced to substantiate this contention, moreover in the application she has specifically said that she was advised by the counsel to prefer an appeal and thereafter no plausible explanation has been given for the inordinate delay in filing of the present case.

4. Further, from the perusal of the findings given in paragraphs No. 14 and 16 of the impugned award, it reflects that the injured in the instant case was not having any such disablement with which she was confined or she could not go to the Court for preferring an appeal.
5. For the given reasons, this Court does not find any strong case for condoning the delay in filing of the appeal. I.A. No. 1 accordingly stands rejected. As a consequence, the appeal also stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved