

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1578 of 2017**

Amit Rajput, aged about 28 years presently 34 years, S/o Shri Nilu Singh,
R/o Shyamnagar, Raipur, Civil & Revenue District, Raipur, Chhattisgarh

---- Appellant**Versus**

1. Aman Charan Mudli S/o Shri Gopi Nath Mudali, aged about 46 years, R/o Government Driving School, Apanpura, Bhubaneswar, Orissa, through Super Sharma Transport, Birgaon, near Vyas Talab Raipur, Civil and Revenue District Raipur, Chhattisgarh (Driver)
2. Super Sharma Transport, Birgaon, near Vyas Talab Raipur, Civil and Revenue District Raipur, Chhattisgarh (Driver)
3. I. C. I. C. I. Lombard General Insurance Company Limited, through the Divisional Manager, Division Office, Lalganga Shopping Mal, 3rd Floor, G. E. Road, Raipur Chhattisgarh (Insurer)

---- Respondents

For Appellant	:	Shri Raghvendra Pradhan along with Shri Shikhar Sharma, Advocates
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Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/11/2017**

Present is an appeal by the claimant under Section 173 of the Motor Vehicles Act assailing the award dated 07.02.2012 passed by the 4th Additional Motor Accident Claims Tribunal, Raipur (CG) in Claim Case No.231/2011. Vide the impugned award the Tribunal in an injury case has awarded a compensation of Rs.38,000/- to the claimant.

2. The present appeal is filed before this Court on 12.11.2017 with an application for condonation of delay of 1944 days i.e. 5 years and 3 and a half months in filing the appeal. The only reason assigned in the application for

condonation of delay is the financial constraint and family difficulty which prevented from filing the appeal within time.

3. This Court is not inclined to accept the said reason assigned as sufficient and plausible ground for condoning the huge and unexplained delay of 1944 days. No specific detail as to the financial constraint and the family difficulty has been reflected. From the record it also reflects that the appellant in the instant case was hospitalized only for a period of around one month and the date of accident being 27.01.2010, he must have remained in hospital till February, 2010. But subsequently there was more than 7 ½ years time which has elapsed during which he would have recovered from the gravity of the injury sustained by him and thus, could have challenged the award within a reasonable period after the award which was passed on 07.02.2012 i.e. almost 5 and a half years ago.

4. This Court does not find any strong ground made out for condoning the huge delay of 1944 days in filing the appeal. Thus, the application seeking condonation of delay in filing the appeal stands rejected.

5. As a consequence, the present appeal also stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE