

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No.1128 of 2017**

Ramprasad S/o Hiradhan, Aged About 45 Years, R/o Village Mudesra, Post Bhitthikala, Police Station/Tahsil Ambikapur, District Surguja (Chhattisgarh).

---Appellant

Versus

1. Duler Bai W/o Late Nandlal Ram, Aged About 39 Years (Now Aged About 48 Years), Caste Gond, Occupation Housewife.
2. Ku. Durpati D/o Late Nandlal Ram, Aged About 17 Years (Now Aged About 26 Years), Caste- Gond, Occupation Student.
3. Ku. Anita D/o Late Nandlal Ram, Aged About 15 Years (Now Aged About 24 Years) Caste Gond, Occupation Student.
4. Vinod Singh S/o Late Nandlal Ram, Aged About 12 Years (Now Aged About 21 Years), Caste Gond, Occupation Student.

All are R/o village Malgawan, Post-Turna, Tahsil & P.S. Lakhanpur, District Surguja (C.G.).

5. Kripal Uraon S/o Bhukha Uraon, Aged About 31 Years, R/o Bakirama, Post Raghunathnagar, Police Station Gandhinagar, Tahsil Ambikapur, District Surguja (Chhattisgarh).

---Respondents

For the Appellant : Shri Rahul Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/10/2017

1. Heard on I.A.No.1 which is an application for condonation of delay.
2. Present is an appeal preferred by the owner under Section 173 of the Motor Vehicles Act assailing the award dated 30/07/2010 passed by the learned Motor Accident Claims Tribunal, Surguja (Ambikapur), District Surguja (C.G.) in Motor Accident Claim Case No.108/2008.
3. The appeal has been preferred with a delay of 2544 days i.e. delay of almost seven years. The impugned order is of dated 30/07/2010 and the present appeal was filed on 24/07/2007.

4. The only reason seeking for condonation of delay is ignorance and also that the appellant belongs to Tribal community.

5. However, perusal of record would show, that it was a case where the appellant had entered appearance before the Tribunal and the Tribunal has decided the case on its merits and he was fully aware of the award having been passed against him on 30/07/2010.

6. Therefore, this court does not find any strong ground made out for condoning the delay in filing of the appeal. The application for condoning the delay does not support with any justifiable or plausible grounds or reasons by which it can be said that the appellant was bonafiedly prevented from filing of the appeal within the prescribed period of time.

7. The application thus being devoid of merit deserves to be and is accordingly rejected. As a consequence the appeal also stands rejected.

**Sd/-
(P. Sam Koshy)
Judge**

Sumit