

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1204 of 2016**

1. Sukhi Ram Dhruv S/o Lt. Shri Sukhlal Gond, Aged About 45 Years
Occupation- Farmer, R/o- Village- Raksa, Post- Basin, P.S.-
Fingeshwer, District- Gariyaband, (Chhattisgarh).
2. Rukhit Ram Dhruv, S/o Lt. Shri Sukhlal Gond, Aged About 42 Years
Occupation- Farmer, R/o- Village- Raksa, Post- Basin, P.S.-
Fingeshwer, District- Gariyaband, (Chhattisgarh).
3. Ghana Ram Dhruv, S/o Lt. Shri Sukhlal Gond, Aged About 40 Years
Occupation- Farmer, R/o- Village- Raksa, Post- Basin, P.S.-
Fingeshwer, District- Gariyaband, (Chhattisgarh),.....(Owner).

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Versus

1. Smt. Padma Sahu W/o Lomes Sahu, Aged About 19 Years
2. Smt. Khemin Bai, W/o Lt. Shri Kamal Narayn Sahu, Aged About 41
Years
3. Ku. Khileshwari Sahu, D/o Lt. Shri Kamal Narayn Sahu, Aged About 16
Years
4. Ku. Rima Sahu, D/o Lt. Shri Kamal Narayn Sahu, Aged About 10 Years

R-3 and 4 are minor Through Guardian Mother Khemin Bai W/o Lt. Shri
Kamal Narayan Sahu,

All R/o- Village- Devri, Post- Gullu, P.S.- Aarang, District- Raipur, (CG).

5. Teku Ram Dhruv, S/o Lt. Shri Johatram Dhruv, Aged About 25 Years
Occupation- Driver, R/o- Village- Raksa, Post- Basin, P.S.- Fingeshwer,
District- Gariyaband, (Chhattisgarh),.....(Driver Of The Tractor No.
C.G.- 04 Z.Q./0740 And Trolly No. C.G. - 04 Z.Q./0741)
6. Ram Nath Dhruv, S/o Shri Dauaram Dhruv, Aged About 25 Years
Occupation- Farmer, R/o- Village- Raksa, Post- Basin, P.S.-
Fingeshwer, District- Gariyaband, (Chhattisgarh),.....(Owner Of The
Tractor No. C.G. -04 Z.Q./0740 And Trolly No. C.G. - 04-Z.Q. / 0741)
7. Komal Prasad Sahu, S/o Lt. Shri Baliram Sahu, Aged About 37 Years
R/o- Village- Near Khaira Bada, Garud Para, Mahasamund, P.S.,
Tahsil And District- Mahasamund, (Chhattisgarh),.....(Owner Of The
Motorcycle No. C.G. - 04 C.P./3849).
8. IFKO- TOKIYO General Insurance Company Limited, Third Floor,
Shop No. 345-347, Lalganga Shopping Mall, G.E. Road Raipur,
Raipur, (Chhattisgarh), (Insurer),.....(Claimant)

---- Respondents

For appellants	:	Mr. Atul Pandey, Adv.
For Respondents No. 1 to 4	:	Mr. C.K. Sahu, Adv.
For Respondents No. 5 & 6	:	None though served.

ORAL ORDER**10/1/2017**

1. Notice issued to R-8 returned unserved as left.

2. Notice issued to R-7 is awaited.
3. Learned Counsel for the appellants submits that the attachment warrant has been issued by the concerned Tribunal in compliance of execution of award dated 31-10-2015, hence I.A. No. 1/16 for condonation of delay in filing of the appeal may be heard.
4. At the request of learned counsel for the appellant I.A. No. 1/16 for condonation of delay is heard. Instant MAC has been preferred after 198 days of its limitation.
5. Learned counsel for the appellants submits that the counsel for the appellants before the court below had not informed the appellant regarding award dated 31-10-2015 and when it came to the knowledge of the appellant in the month of June, 2016, they went to another counsel and applied for certified copy of award and immediately after delivery of copy of the award, they filed instant misc. appeal. Hence the delay is unintentional and bonfide, same may be condoned.
6. The appellants have not disclosed the fact that despite their representation before the trial Court, if their counsel did not inform them regarding the disposal of said claim case No. 148/2014, what steps they have taken against the concerned counsel. As per provisions, concerned counsel is duty bound to inform his party regarding receipt of copy of the award under the provisions of Section 168 sub-section (2) of the Motor Vehicles Act. There is no disclosure of the fact whether the appellant ever received the said copy or not.
7. On due consideration, by not disclosing of above fact, the appellant has failed to offer satisfactory cause for delay in filing the appeal. Consequently, I.A. No. 1/16 for condonation of delay is dismissed. As a result, instant appeal is also dismissed as barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge