

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1255 of 2016

1. Smt. Samarin Bai W/o Late Pusau Ram, aged about 45 years R/o- Village- Rajkamma, Tahsil- Pali, District- Korba, (Chhattisgarh),..... (Claimant).

---- Appellant

Versus

1. Tilak Ram Suryawanshi S/o Sudharam Suryawanshi, aged about 41 years R/o- Village- Mohgaon, Thana- Sarangaon, Tahsil- Champa, District- Janjgir Champa, (Chhattisgarh),.....(Driver).
2. M/s Praimnate Global Limited, Through Mainaging Director Shri Vikram Agrawal S/o B.P. Agrawal Address- New Industrial Area Ring Road No. 2 Gogaov Raipur, (Chhattisgarh),.....(Owner).
3. National Insurance Company Limited, Through Branch Manager, G.E. Road Raipur, District- Raipur, (Chhattisgarh),.....(Insurer).
4. Vidhya, D/o Tilak Singh, aged about 16 years Appellant / Res. No. 4 is Minor Through Legal Guardian Father Tilak Singh, R/o- Village- Rajkamma, Tahsil- Pali, District- Korba, (Chhattisgarh).
5. Manharan Singh, S/o Kunwar Singh, aged about 24 years R/o- Village- Rajkamma, Tahsil- Pali, District- Korba, (Chhattisgarh).

---- Respondents

For Appellant – Shri A.L.Singroul, Advocate.

For Respondent No.2 – Shri Ayaz Naved, Advocate.

For Respondent No.3 – Shri R.N. Pusty, Advocate.

For Respondents 1, 4 and 5 – None, though served as per office note.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

07-02-2017

1. Heard on I.A.No.1/2016 for condonation of delay in filing the misc. appeal as the instant MAC has been preferred after 168 days of its limitation.
2. As per I.A.No.1/2016, it is submitted on behalf of the appellant that the delay is bonafide and unintentional. The appellant is illiterate lady and having no knowledge about the legal procedure for filing the instant misc. appeal and the limitation thereof. She is innocent and has not intentionally or deliberately filed the appeal so lately, hence, the delay is bonafide and the same may be condoned and the appeal may be admitted for hearing.
3. Perused the award dated 18-12-2015 which is certified copy received from the seal and signature of the Head Copyist, District and Sessions Judge,

Korba, C.G. There is no any disclosure of the fact that where is the true copy received by the appellant/claimant under Section 168(2) of the Motor Vehicles Act, 1988 (in short 'the Act, 1988'). There is no any disclosure of the fact that to what extent the award dated 18-12-2015 was executed or what is the stage before the executing court.

4. The appellant is required to satisfy the delay in the matter. The appellant/claimant failed to demonstrate satisfactory reason for delay of 168 days in filing the instant MAC. Consequently, I.A.No.1/2016 is dismissed as not maintainable. The MAC is also dismissed being barred by limitation by 168 days.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE