

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1409 of 2016**

- Shivkumar Dhurandhar S/o Jeevanlal Dhurandhar, Aged About 45 Years R/o Village- Achholi (Bhainsa), Police Station- Kharora, District- Raipur Chhattisgarh,(Claimant)

---- Appellant**Versus**

1. Smt. Jago Bai D/o Late Neelkanth Tikariha, R/o Village- Muswadeeh, Palari, Raipur, Tahsil And District- Raipur Chhattisgarh.
2. The New India Insurance Company Limited, Through The Divisional Manager, The New India Insurance Company Limited, Jail Road, Kachery Chowk, Raipur, District- Raipur Chhattisgarh..... (Respondents)

---- Respondents

For appellant	: Shri MK Bhaduri, Advocate
For respondent No.1	: Shri Mayank Chandrakar, Advocate
For respondent No.2	: Shri Raghavendra Verma, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Judgment On Board****24.01.2017**

Heard on IA No.01/16 for condonation of delay in filing the appeal under Section 30 of the Workmen Compensation Act, 1923.

2. Learned counsel for the appellant would submit that the instant appeal has been filed after 143 days of its limitation as the appellant was not aware of the limitation laws and when he came to know regarding the opportunity of filing the appeal, he has filed the instant appeal and also this is a case of 80% disability i.e. amputation on the right hand, he lost his profession of driver as he

cannot drive the vehicle again after the said incident. The delay is unintentional and bonafide. The appellant came before this Court for award of interest @ 12% from the date of judgment whereas the Court below directed to deposit the compensation within 60 days from the date of order failing which directed to pay 12% interest. The appellant has filed the appeal for modification in the impugned judgment, hence, the delay may be condoned and the appeal may be admitted for consideration.

3. Perused the impugned judgment dated 10.3.2016.

4. The instant appeal has been preferred after 143 days of its limitation. This Court is not convinced with the arguments advanced on behalf of the appellant that the appellant was not aware of the limitation laws and immediately after the knowledge of the limitation, he has filed the instant appeal. As the appellant has contested the matter before the trial Court he was required to know the limitation laws as he was prosecuting the respondents before the court below.

5. Consequently, in the considered view of this Court, as the claimant has not satisfactory explained the delay of 143 days in filing the appeal, IA No.01/16 is dismissed as not maintainable. As a consequence, the instant MAC too is dismissed as barred by limitation.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE

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