

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1450 of 2016**

1. Neha Xess W/o Late Ramdhan @ Ramdhani, Aged About 40 Years
2. Ajay Xess S/o Late Ramdhan @ Ramdhani, Aged About 23 Years
3. Ajeet Xess S/o Late Ramdhan @ Ramdhani, Aged About 20 Years
4. Ku. Nemhanti (Now Attained Majority, Aged About 18 Years) D/o Late Ramdhan @ Ramdhani, Aged About 17,
5. Dev Prasad Xess S/o Late Karma, Aged About 70 Years
6. Smt. Sukhmati W/o Dev Prasad, Aged About 66 Years

Appellants No. 1 to 6 are R/o Village- Jamdih, Village Panchayat- Jajga, Tehsil- Mainpat, P.S.- Sitapur, District- Surguja, Chhattisgarh
(Claimants)

---- Appellants

Versus

1. Manish Kumar S/o Ramnivash Gupta, Aged About 21 Years
Occupation- Business, R/o Village- Pratapgarh, P.S.- Sitapur, District- Surguja, Chhattisgarh(Owner Of The Offending Vehicle)
2. Dilbharan Kujur S/o Mangaru Kujur, Aged About 35 Years R/o Village- Jajga, Jamdih, P.S. Sitapur, District- Surguja, Chhattisgarh
(Driver Of The Offending Vehicle)
3. The Branch Manager, The New India Insurance Company Limited,
Branch Office- Transport Nagar, Korba, District- Korba,
Chhattisgarh(Insurer Of The Offending Vehicle)

---- Respondents

For appellants	:	Mr. Sarfaraz Khan, Adv.
For Respondent No. 1 and 2	:	Mr. Rishi Rahul Soni, Adv.
For Respondent No. 3	:	Mr. Qamrul Aziz, Adv.

ORDER**2/1/2017**

1. Heard on I.A. No. 1/16 for condonation of delay in filing the instant MAC as the same has been filed after 205 days of its limitation by the claimants.
2. Learned counsel for the appellants submits that the appellants instructed and gave file to the counsel of the trial Court for preferring appeal before this Court. When they came to know that the appeal has not been filed, they have taken the file from the said lawyer. The delay is bonafide and unintentional hence the delay may be condoned and the appeal may be admitted for

hearing. He further submits that now the appellants are taken steps for execution of award dated 22-12-2015.

3. Perused the impugned award which is the certified copy under the seal and signature of Head Copyist, office of the Distt. and Sessions Judge, Sarguja at Ambikapur. The appellant has not disclosed regarding receipt of copy of award under Section 168 sub-section (2) of the Motor Vehicles Act, 1988.
4. From perusal of the certified copy of the award, it appears that on 19-9-2016, the appellant applied for certified copy and on 28-9-2016 they received the certified copy of the award. The appellants have not disclosed despite receipt of copy of the award under Section 168(2) of the Act of 1988, why they applied for certified copy of the award which is annexed along with the instant MAC. There is no disclosure of the fact as to whether the appellant initiated or prayed for any proceeding before the concerned authorities regarding the conduct of the said counsel as argued before this Court.
5. Instant MAC is preferred after 205 days of its limitation. The appellant has not taken any step to execute the award dated 22-12-2015 till date and as the appellant has not satisfactorily explained the cause of delay of 205 days in filing the instant MAC, I.A. No. 1/16 is dismissed as not maintainable. As a result, the instant MAC is also dismissed as barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge