

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1736 of 2016**

1. Tilakram Verma S/o Dular Singh Verma, Aged About 40 Years
 2. Laxmi Verma W/o Tilakram Verma, Aged About 38 Years
- Both R/o. Permanent Address- Village Mohra, P.O. Mohra, District Balodabazar, Chhattisgarh,
Present Address- Village Kharora, Post Kharora, District Raipur, CG(Claimants)

---- Appellants**Versus**

1. Senkumar S/o Sukhchain Raut, R/o Village- Potia, P.O. Medesara Thana- Nandini, District Durg, CG(Non Applicant No.1/ Driver Of Vehicle No. C.G.07/C/2422)
2. Rajesh Kumar S/o Chandulal Chauhan, R/o (A) Gandhi Garden, Shankar Nagar, Raipur, District- Raipur, Chhattisgarh (B) Nandini (Near Shiv Mandir) Ward No.13, Thana Nandini, District Durg, Chhattisgarh(Non Applicant No.2/ Owner Of Vehicle No. C.G.07/c/2422)
3. Chola Mandalam M.S. General Insurance Company Limited, Through Officer Incharge, Chola Mandlam General Insurance Company Limited, Hinduja Complex, Paras Nagar Chauk, Devendra Nagar, Raipur, District Raipur, Chhattisgarh(Non Applicant No.3/ Insurer Of Vehicle No. C.G.07/c/2422)

---- Respondents

For appellants	:	Mr. Anumeh Shrivastava, Adv.
For Respondent No. 3	:	Mr. Rohitaswa Singh, Adv.
For Respondents No. 1 and 2	:	None though served as per office note dated 2-3-2017.

ORDER**7/3/2017**

1. Heard on I.A. No. 1/2017 for condonation of delay as instant MAC has been 248 days of its limitation.
2. Learned counsel for the appellants submits that the appellants and their family members are illiterate and financially handicapped and they are in continuous shock because of the incident. In these circumstances, they have preferred instant MAC after 248 days. Same is not intentional and is bonafide. The same may be condoned. MAC may be heard on its merit.
3. Perusal of impugned award goes to show that the copy of the award annexed in the MAC is a copy given under the seal and

signature of Head Copyist, office of the District and Sessions Judge. There is no disclosure of fact as to where is the copy received on behalf of appellant under Section 168 sub-section (2) of the Motor Vehicles Act and also there is no disclosure of fact as to what was the fate of execution if any after the award dated 9-12-2015, also there is no disclosure of fact as to whether any compensation has been received by the claimants in the said execution. Mere fact that they are illiterate and financially handicapped persons and were in continuous shock cannot be held as satisfactory reason for delay as the claimants/appellants were duly represented during trial even after said demise of the deceased and contested the matter before the trial Court.

4. On due consideration as the appellants have not satisfactorily explained the cause of delay of 248 days, I.A. No. 1/ is dismissed as not maintainable. Consequently, instant MAC is also dismissed being barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge