

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1774 of 2016**

- Maheshwar Yadav S/o Late Sukhan Yadav, Aged About 18 Years R/o Village Kasekara, P.S. Komakhan, District Mahasamund, Chhattisgarh, Working Place Mandir Hasaud, Raipur, Town And District Raipur, Chhattisgarh (Claimant)

---- Appellant

Versus

1. Angeshwar Pandey S/o Bhukhan Pandey, Aged About 30 Years R/o Village Kasekera, P.S. Komakhan, District Mahasamund, Chhattisgarh(Driver)
2. Ramayan Lal Chakradhari S/o Lakhan Lal Chakradhari, Aged About 33 Years R/o Village Amakoni, Post Khamhariya, P.S. Mahasamund, District Mahasamund, Chhattisgarh (Owner)
3. I.C.I.C.I. Lombard General Insurance Company Limited, Through: Divisional Manager, Division Office, Lalganga Shopping Mal, G.E.Road, Raipur, Town And District Raipur, Chhattisgarh(Insurer)

---- Respondents

For appellants	: Shri Shikhar Sharma, Advocate
For respondent	: Not present.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.02.2017**

Heard on I A No.01/16 for condonation of delay in filing the appeal as the same has been preferred after 165 days of its limitation.

2. It is submitted on behalf of the appellant that father of the present appellant has died in the incident, subject matter of the present appeal and his mother also died on 28.10.2016, health of the appellant was also not good. Thereafter he approached the counsel at High Court, on his instruction the appellant has filed the instant

appeal, hence, the delay is bonafide and unintentional, the same may be condoned and the matter may be admitted for hearing.

3. Perused the award dated 30.01.2016.

4. It appears that this is the copy of the award received under the seal and signature of head copyist of the O/o. Distt. And Sessions Judge, Raipur. There is no disclosure of the fact regarding existence of copy of the award received under Section 168 (2) of the Motor Vehicles Act, from the Tribunal and also there is no disclosure of the fact regarding the fate of the execution in compliance of award dated 30.01.2016. The appellant is expected to satisfy the delay in filing the instant appeal.

5. On due consideration, as the appellant has failed to explain the cause of delay satisfactorily, IA No.01/16 is dismissed as not maintainable. As a consequence, the appeal too is dismissed as not maintainable.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE