

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 1219 of 2016**

Ranjeet Das S/o Late Shri P.K.Das, aged about 40 years, R/o Village
H.I.G. Arya Colony Tifra Thana Civil Line Bilaspur Tahsil and Distt.
Bilaspur, Chhattisgarh(Claimant)

---- Appellant**Versus**

1. Ram Chandra Jaiswal S/o Mohan Lal Jaiswal, aged about 30 years, R/o
Village Kandhaipur Nyay Nager Thana Ghumanguj Distt. Allahabad
(U.P.)(Driver)
2. Makhan Lal Jaiswal S/o Bajlal Jaiswal, aged about 45 years R/o Village-
37/25 A. A. Jha Marg, Jarj Town Janpad Allahabad (U.P.)(Owner)
3. The New India Insurance Company Limited, through Divisional Manager,
Divisional Office, Bilaspur, Tahsil and Distt. Bilaspur,
Chhattisgarh(Insurer)

---- Respondents

For Appellant : Shri A. L. Singroul, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****04/07/2017**

Counsel for the appellant submits that he has no instruction as the
appellant in the instant case has taken file from him.

2. Heard on I.A. No.01 for condonation of delay in filing the appeal.
3. The present appeal is barred by 2845 days i.e. about 9 years. The only
ground which the appellant has raised in seeking condonation of the aforesaid
delay is that he was undergoing some sort of treatment on account of the
injuries that he had sustained in the alleged accident. However, the
application is not supported with any of the medical documents to establish

that he has been undergoing any treatment. Further, on perusal of the record it is reflected that the appellant in his application under Section 5 of the Limitation Act has submitted the fact that his counsel before the Claims Tribunal had immediately advised him to prefer an appeal yet he has not filed the appeal. This itself shows that it was not a case where the appellant was not aware of the remedy of appeal available to him. Thus, his contention of being ignorant is not acceptable or sustainable.

4. Since the reasons assigned in the application are totally unsatisfactory and the application is not supported with any document, this Court finds it difficult to condone the delay of almost 9 years in the filing of the appeal from the date of award.

5. Thus, I.A. No.01 being devoid of merit is rejected. As a consequence, the present appeal also stands dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**