

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.700 of 2016**

1. Vinay Kumar S/o Dinesh Kumar, Aged About 16 Years Represented By His Father Appellant No. 2, R/o Village Baradiya, P. S. Patna, Tahsil Baikunthpur, District Korla (Chhattisgarh)
2. Dinesh Kumar, S/o Shri Udayraj, Aged About 43 Years R/o Village Baradiya, P. S. Patna, Tahsil Baikunthpur, District Korla (Chhattisgarh)(Non Applicants)

---- Appellants**Versus**

- Jagarsai S/o Tejuram, Aged About 61 Years R/o Village Baradiya, P. S. Patna, Tahsil Baikunthpur, District Korla (Chhattisgarh).....Applicant

---- Respondent

For appellants	: Shri JK Shastri, Advocate
For respondent	: Shri Atanu Ghosh, Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01.02.2017**

Heard IA No.01/16 for condonation of delay in filing the appeal as the same has been preferred after 140 days of its limitation.

2. It is submitted on behalf of the appellants that appellant No.1 is a minor student, he was suffering from viral fever for long time and appellant No.2 had suffered fracture in his leg, they were unable to make journey for filing the appeal as they were residing about 250 k.m. away from Bilaspur. Hence, the appeal is not filed within the prescribed limitation, the delay is unintentional and

bonafide and the same may be condoned and the appeal may be heard on its merits.

3. Perused the award dated 29.9.2015 passed by the Court below.

4. As per the facts surfaced, the vehicle was not insured, appellant No.2 is the owner and appellant No.1, minor, was driving the said motor cycle which got hit to the motor cycle being driving by the respondent. As per the facts in the said claim case, appellant No.2 had not received any fracture as he was not travelling in the said motor cycle. Appellant No.1 was also not filed any documents or evidence showing that he had received any fracture and also there is no mention of said facts in IA No.01/16.

5. On due consideration, as the appellants are required to satisfy the delay caused in filing the appeal, but in the present matter the appellants failed to explain the delay satisfactorily for the delay in filing the instant appeal. Consequently, IA No.01/16 is hereby dismissed.

6. As a consequence, the appeal too is dismissed as barred by limitation.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE