

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1398 of 2016**

1. Bhanuram Dhruv S/o Shri Samaru Ram Dhruv, Aged About 33 Years
2. Minor Ku. Tejeshwari D/o Bhanuram, Aged About 8 Years
3. Minor Ku. Savita D/o Bhanuram, Aged About 5 Years
4. Minor Ku. Chandni D/o Bhanuram, Aged About 3 Years

Appellants No. 2 to 4 Through Legal Guardian Father Bhanuram Dhruv
S/o Samaru Ram Dhruv, All R/o Village Kasekera, Police Station
Chhura, District Gariyaband, Chhattisgarh(Claimants)

---- Appellants

Versus

1. Mohamed Asif Khan S/o Mohamed Hakim Khan, Aged About 28 Years
R/o Mangal Bazar Gariyaband, Chhattisgarh
2. Ramesh Thakur S/o Bhanwar Singh Thakur, Aged About 28 Years R/o
Bharuwamuda, Post Kansindhi, Police Station Chhura, District
Gariyaband, Chhattisgarh, Present Address: Bajrang Chowk
Gariyaband, Police Station & District Gariyaband, Chhattisgarh
3. The Branch Manager, Through: I C I C I Lombard General Insurance
Company Limited, Commercial Building, Devendra Nagar, Tiraha, Jail
Road, Raipur, Chhattisgarh

---- Respondent

For appellants : Mr. A.D. Kuldeep, Adv.
For Respondents No. 1 and 2 : Mr. S.P. Sahu, Adv.
None for R-3 though served as per office note dated 2-3-2017.

ORDER**10/3/2017**

1. Heard on I.A. No. 1/2016 for condonation of delay as the instant
MAC has been filed after 149 days of its limitation.
2. Learned counsel for the appellants submits that the appellants
are rustic villagers and minors. After receiving the impugned
award, they contacted their local counsel for filing the appeal. As
the appellants are in mental agony hence they could not file the
appeal within the prescribed period. The delay is unintentional
and bonafide. Hence the delay may be condoned. MAC may be
admitted for hearing.
3. Perused the certified copy of the award dated 28-1-2016 which is
a certified true copy issued under the seal and signature of OIC,
Copying Section, Additional Distt. and Sessions Judge,

Gariyaband (CG). There is no disclosure of fact as to where is the copy provided to them under the provisions of Section 168 sub-section (2) of the Motor Vehicles Act, 1988, also there is no disclosure of the fact as to what happened of the execution proceeding after the impugned award. The appellants are required to satisfactorily explain the cause of delay in filing the instant MAC. Mere statement that they are rustic villagers and minor is not sufficient to justify the delay as appellant No. 1 is not minor. He is aged about 33 years at the time of filing of claim case.

4. On due consideration, as the appellants have failed to satisfactorily explain the delay of 149 days, I.A. No. 1/2012016 is dismissed as not maintainable. Consequently, instant MAC is also dismissed as barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge