

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1686 of 2016**

1. Durjan Gendre S/o Thakurram Gendre, Aged About 42 Years
2. Jamuna Bai W/o Durjan Gendre, Aged About 40 Years
3. Bedram Gendre S/o Thakurram Gendre, Aged About 22 Years

All R/o Village And Post Pangaon, Police Station & District Baloda Bazar,
Chhattisgarh(Claimants)

---- Appellants**Versus**

1. Sanjay Rai S/o Santosh Rai, Bangali R/o Village Sankri, Thana Vidhan Sabha, District Raipur, CG(Non Applicant No.1/ Driver Of Tata Vehicle No.C.G.04/ J B/9258)
2. M/s Banke Bihari Industries, Proprieter Santosh Kumar, M/s Banke Bihari Industries, Vidhan Sabha Road Sankri, Raipur, District Raipur, Chhattisgarh(Non Applicant No.2/ Owner Of Tata Vehicle No.C.G.04/ J B/9258)
3. The New India Insurance Company Limited, Through Divisional Manager (Division-2), Behind Jeevan Bima Office, Pandri Tehsil-Raipur, District Raipur, Chhattisgarh (Address Wrongly Mentioned In Impugned Order As Behind Pandri Raipur)(Non Applicant No.3/ Insurer Of Tata Vehicle No.C.G.04/ J B/9258)

---- Respondents

For appellants : Mr. Arvind Shrivastava, Adv.
For Respondent No.3 : Mr. H.B. Agrawal, Sr. Adv. with Ms. Priti Yadav, Adv.
None for R-1 and 2 though served as per office note dated 28-1-2017.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01/02/2017**

1. Heard on I.A. No. 1/16 for condonation of delay in filing the appeal as the same has been filed after a delay of 194 days of its limitation.
2. Learned counsel for the appellants submits that the claimants and the family members are illiterate and financially handicapped and they were in the state of continuous shock after the incident in which the deceased died. In these circumstances, they failed to prefer the instant appeal within the stipulated period. The delay is bonafide and not intentional hence the appeal may be admitted for hearing on merit which is for enhancement of the award dated 30-1-2016.

3. Perused the award dated 30-1-2016 annexed along with instant MAC which is a certified copy issued by the Head Copyist to the office of Distt. and Sessions Judge, Raipur, CG. There is no disclosure of the fact whether the appellant/claimant received the copy of the award 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 was the outcome of any execution proceedings before the Tribunal for the award dated 30-1-2016.
4. The appellants/claimants are required to satisfactorily explain the cause of delay in filing the instant MAC which is barred by 194 days but they failed to do so. The reasons and grounds taken in the I.A. No. 1/16 are sans substance.
5. Consequently, I.A. No. 1/16 for condonation of delay in filing the appeal is dismissed. As a result, the instant MAC is also dismissed being barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge