

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**FAO No.7284 of 2017 (O&M)
Date of Decision:01.12.2017**

M/s Punjab Container Service (Regd.)

...Appellant

Versus

Baljinder Kaur and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Puneet Sharma, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

Appellant is in appeal against the award passed by the Motor Accidents Claims Tribunal. Appeal is barred by 1454 days. Appellant was represented by the counsel before the Tribunal.

In the application, it has been pleaded that the appellant did not come to know that the recovery rights have been given to the insurance company. The reasons given for condonation of such huge delay are as under:-

“That although the applicant/appellant had contested the claim petition before the Ld. MACT, Jalandhar, however, at the time of decision of the said petition, the application was made to understand that Insurance Company has to make the payment. The applicant was never aware regarding the ultimate liability to pay the award amount and further that recovery proceedings can be initiated by the Insurance Company.

That it was only on receiving the information regarding the recovery warrants having been issued that the applicant came to know about the execution proceedings in furtherance of the impugned award dated 08.08.2013 in August 2017. The applicant contracted the counsel before the Ld. MACT, Jalandhar to know the actual facts and it was informed that it was only the insurance company which had to pay as the driving licence was verified to be genuine, however on retrieving the file from the record of the Ld. counsel no judgment could be found. Thus, certified copy was applied. On perusal of the judgment it was discovered that although the insurance company has been fixated with the liability to pay the claimants, however subsequent liberty was granted to recover from the owner which was not to the knowledge of the Ld. counsel as well. Thereafter, the applicant applied for the certified copy of the award on 25.08.2017 which was delivered on 12.09.2017.”

Taking into consideration that the appellant is in the business of transportation and was represented by the counsel, this Court is of the view that the explanation submitted for seeking condonation of delay is wholly unsatisfactory.

In view of the above, the present application is dismissed. Consequently, the appeal is also dismissed.

01.12.2017
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No