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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 393/2017 & CM Nos.15589-92/2017**

BHUPENDRA SINGH Appellant
Through: Mr. Ankit Kalra, Advocate.

Versus

MAHAFUL MURMU & ORS (CHOLA MANDALAM
INSURANCE CO) Respondent
Through: Mrs. Suman Bagga, Advocate for
Respondent No.5.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **25.04.2017**

CM Nos.15589 & 15591 of 2017

These applications seek condonation of delay of 297 days in filing and 7 days in re-filing of the appeal.

The Award impugned in the appeal was passed on 10.03.2016; the appellant's vehicle was impounded after an accident that resulted in the death of a person. The appellant had engaged a counsel to accept the vehicle on *Superdari*. Surely the appellant knew of the legal consequences resulting in the death of a person. Bare diligence would have required the insured to keep abreast of the development in the case. However, the condonation application does not even make a whisper in this regard or as to what he did to monitor the case from the date of the accident or from the date of receipt of the vehicle on *Superdari*. There is no ground for condonation of any period of the delay. The applications are without substance and are accordingly dismissed.

MAC.APP. 393/2017 & CM Nos.15590 & 15592 of 2017

In the circumstances, the appeal alongwith pending applications too are dismissed.

The learned counsel for the appellant states that the statutory amount of Rs.25,000/- be released. It is so ordered.

NAJMI WAZIRI, J.

APRIL 25, 2017

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