

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MAC No. 110 of 2018**

Smt. Nidra Bai W/o Late Bal Kumar Aged About 25 Years R/o Village Aamapali Thana Basana, District Mahasamund (Chhattisgarh). Hall Mukam - Village Sirpur (Baloud Chowki) Tahsil And Thana Saraipali, District Mahasamund (Chhattisgarh)

---- Appellant**Versus**

1. Sohan Lal S/o Dasru Aged About 48 Years R/o Village - Gurudwara Shyam Naager, Raipur, Distt. Raipur (Chhattisgarh) Hall Mukam - Village Balsi, Thana Saraipali, District Mahasamund (Chhattisgarh) (Driver)
2. Govindram Agrawal S/o P.D. Agrawal Aged About 45 Years R/o Kamal Treding Corporation Ram Sagar Para, Raipur, District Raipur (Chhattisgarh) (Registered Owner)
3. Chor Chand Sahu S/o Vidhayadhar Sahu Aged About 40 Years R/o Village And Post Lakharam Thana Jharbandh, Tahsil Padampur, District Bargad (Orissa) (Registered Owner)
4. The National Insurance Company Limited, Office Mobin Mahal, 2nd Floor, GE Road, Kachehari Chowk, Raipur, Tahsil And Distt. Raipur (Chhattisgarh) (Insurer)

----Respondents

For Appellant	:	Mr. A.L. Singroul, Advocate
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/01/2018**

1. Heard on I.A. No.1, which is an application for condonation of delay.
2. The challenge in the present appeal is the award dated 13.05.2016, passed by the Additional Motor Accident Claims Tribunal, Saraipali, District Mahasamund, Chhattisgarh, in Motor Accident Claim Case No. 02/2014.
3. Vide the impugned award, the Tribunal in an injury case has awarded a compensation of Rs.10,000/- with interest @6% per annum.

4. There is a delay of more than 570 days in the filing of the appeal.

The sole ground seeking for condoning of delay is that the Claimant was ignorant of the fact that an appeal was to be filed and that she was not aware of the period the limitation prescribed under the Act. The said ground raised by the appellant is hard to believe as the Claimant was dully represented by a lawyer before the trial Court and that it is a case where the award was passed as early as on 13.05.2016 and the present appeal was filed only on 04.01.2018.

5. Considering the reason assigned, particularly the fact that the Claimant had not sustained major grievous injuries, this Court does not find any plausible or a satisfactory explanation given by the appellant to condone the delay of more than 570 days. It is always expected that an appeal should be filed in a reasonable time, unless it is proved by the Claimant with cogent evidence as to under what circumstances he/she could not prefer an appeal within the time prescribed or within a reasonable period. In the present case the Claimant has failed to establish, either of the same.

6. Thus, this Court does not find any strong case made out for condoning the delay. I.A. No.1 accordingly stands rejected.

7. As a consequence, appeal also stands rejected.

Sd/-
(P. Sam Koshy)
Judge