

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 185 of 2018**

Bhuneshwar Kumar Sonkar S/o Tekuram Sonkar, aged about 29 years,
R/o Village Parsuli, Badepara, P.S. Devri, Tehsil Dondi Lohara, Distt.
Balod (Chhattisgarh)

---- Appellant**Versus**

1. Kumbh Lal Patel S/o Late Shri Dulawara Patel, aged about 54 years, R/o Pasoud, P.S. Chowki Sanjari, Tahsil Dondilohara, Distt. Balod, Chhattisgarh (Driver of offending Tractor and Trolley) (Tractor Registration No. CG 07 NA 2803 and Trolley Registration No. CG 04 ZQ 2914)
2. Fulchand Dewangan S/o Beduram Dewangan R/o Pasoud, PS Devri, Tahsil Dondilohara, Distt. Balod (Chhattisgarh) (Owner of offending Tractor and Trolley) (Tractor Registration No. CG 07 NA 2803 and Trolley Registration No. CG 04 ZQ 2914)
3. National Insurance Co. Ltd. Branch Office through - Branch Manager, Branch Kamithi Line, Rajnandgaon, Distt. Rajnandgoan, Chhattisgarh (Insurer of offending Tractor) (Tractor Registration No. CG 07 NA 2803)
4. Cholanmandalam M S General Insurance Co. Ltd. through Branch Manager, Office Raipur, District Raipur, Chhattisgarh (Insurer of Trolley) (Trolley Registration No. CG 04 ZQ 2914)

---- Respondents

For Appellant : Shri P. Acharya, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****31/01/2018**

Present is an appeal by the claimant under Section 173 of the Motor Vehicles Act assailing the award dated 29.09.2014 passed by the 2nd Additional Motor Accident Claims Tribunal, Rajnandgaon in Claim Case No. 30/2013.

2. The appeal has been filed with a delay of 1122 days. A perusal of the record would show that the appeal is also enclosed with I.A. No.01 which is an application for condonation of delay in filing the appeal. Except for the plea of lack of knowledge of law, no other specific plea has been raised in the application seeking for condonation of delay. The ground raised does not seem to be either satisfactory or plausible.

3. What is also pertinent to take note of the fact is that it is an injury case. Contention of the counsel for the claimant before the Tribunal itself was that the claimant had suffered injury on his right leg. However, the disability part, if any has not been substantiated by producing any disability certificate or an evidence of a doctor before the Tribunal. Therefore, it has to be inferred that the injury suffered by the claimant was not too grievous. What is also reflected is that the claimant in the instant case was duly represented through a lawyer. In spite of this, the claimant did not choose to prefer an appeal for more than 1100 days and for which it is only the claimant who has to be blamed and no one else. An appeal to the higher Court should always be preferred within a reasonable time, more particularly when the nature of injury is not too grievous or serious. One could understand a case of delay being caused in a death case or a case where the nature of injury is that of amputation or other like grievous injuries but in the instant case, the nature of injury does not reflect to be that grievous.

4. Given the facts and circumstances of the case, this Court does not find any strong case made out for condoning the delay in filing the appeal. Accordingly, I.A. No.1, application for condonation of delay in filing the appeal stands rejected. As a consequence, the present appeal also stands dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**