

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 272 of 2018**

Sudhir Kumar Jain S/o Champa Lal Jain, aged about 54 year, R/o Qtr. No.1, Mahavir Nagar, Durg, District Durg (CG).

---- Appellant**Versus**

Ramkishan sahu S/o late Hemsingh Sahu, aged about 52 years, R/o Forest Guard office, Forest Premises, Rajendra Park Chowk, Durg, District Durg (CG).

---- Respondent

For Appellant : Shri G.R. Burman, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****13.02.2018**

1. The present appeal under Section 173 of the Motor Vehicles Act has been filed by the owner against the award dated 20.03.2017 passed by the 6th Additional Motor Accident Claims Tribunal, Durg (in short, the Tribunal) in Claim Case No.43/2014.
2. The appeal is delayed by more than 226 days. An application (IA No.1) has been filed seeking condonation of delay in filing the appeal. The only ground taken by the appellant for condonation of delay is, due to paucity of fund to make deposit as is required while filing the appeal. The said ground under no circumstances can be accepted to be a justified and a sufficient cause for condonation of delay. It is not a case where the award under challenge was an ex-parte award, the appellant was duly represented through a competent lawyer before the Tribunal.
3. An appeal against an award has to be filed within a specified period

under the provisions of Motor Vehicles Act. If for any reason the appeal is not filed within the stipulated period, the appellant has to provide proper and cogent reasons which is satisfactory in nature explaining each days delay in filing the appeal. Non availability of funds cannot be accepted to be a good ground for not filing the appeal within the stipulated time.

4. Under the given circumstances of the case, this court is of the opinion that the appellant has failed to show sufficient and justified reasons to condone delay in filing the appeal and as such IA No.1, application seeking condonation of delay in filing the appeal stands rejected.
5. As a consequence, the appeal also stands rejected.

Sd/-

(P.Sam Koshy)
Judge

inder