

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 631 of 2018

Dalsai Kanwar S/o Charku Ram Aged About 37 Years Occupation
Mason, R/o Village Fatehpur, P.O. Sukhri, P.S. Jai Nagar, Tahsil And
District Ambikapur, Chhattisgarh

---- Appellant

Versus

1. Mukhdev S/o Chetanram Aged About 63 Years Occupation
Agriculture,

2. Smt. Indra Kunwar W/o Mukhdev Aged About 58 Years
Occupation Housewife,

Both are R/o Village Fatehpur P.O. Sukhri, P.S. Jainagar, Tahsil And
District Surguja, Chhattisgarh

3. Dr. Arun Singh S/o Banshrup Singh Aged About 55 Years
Veterinary Doctor, R/o Village Lamgaon, Present Address
Veterinary Hospital, Beside I.G.Office, City Ambikapur, District
Surguja, Chhattisgarh

---- Respondents

For appellant - Shri Ashok Kumar Shukla and Shri Atanu Ghosh,
Advocates.

Hon'ble Shri Justice Goutam Bhaduri

Order

1/05/2018

1. Heard on application for exemption from depositing mandatory amount.
2. Instant petition has been filed against the order of the Commissioner Workmen's Compensation.
3. After due consideration, the application is dismissed.
4. Heard on application for condonation of delay.
5. Instant appeal is filed against the award dated 25/11/2014 passed by Commissioner Workmen's Compensation. It is been stated in the application that the appellant came to know about knowledge of the award on 16/02/2018 when he received recovery notice from the court of Tehsildar and it is alleged that some person has falsely filed vakalatnama

on behalf of the appellant though he has not engaged any counsel. As per the case of the claimants deceased Ajay Singh was working in the house which was being constructed by the non-applicant appellant herein wherein he died during such construction of the house. Simply bald statement has been made that he has not engaged counsel but someone has signed vakalatnama and appeared on behalf of the appellant before the court. Factual averments so made appears to be lack of bonafide. Appeal is barred by 1114 days. No plausible explanation has been shown except the fact that he came to know of the award on 16/02/2018. Recovery notice which is filed shows that it was issued on 16/02/2018 which has been used to project the delay occurred.

6. In view of this, I do not find any sufficient reason has been shown to condone the delay of 1114 days. The condonation of delay is neither bonafide nor reveals actual fact and the amount of mandatory deposit is also not made for tenability of this appeal.

7. In view of this, appeal has no merit and is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE