

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

I.A. No.1 OF 2018
IN/AND
MACMA No.897 OF 2018

COMMON ORDER:

Heard Sri Venugopala Rao Pasnooru, learned counsel for the petitioners - appellants.

2. This is an application filed under Section 5 of the Limitation Act to condone the delay of 2414 days in preferring the above MACMA.

3. The learned counsel for the petitioners would submit that the petitioners were not properly informed that an appeal can be preferred where adequate compensation was not granted, and only after petitioner Nos.2 and 3 attained majority and intended to withdraw their shares, their counsel advised them to prefer the appeal as they have good grounds to succeed in the appeal and, therefore, filed the present application.

4. The award was passed on 26.05.2011 in O.P. No.887 of 2008 by the Chairman, Motor Accident Claims Tribunal - I Additional District Judge, Ranga Reddy District at L.B. Nagar, where the petitioners herein, who are father, brother and sister of deceased - Mohd. Salauddin, laid the claim petition for award of a total compensation of Rs.5,00,000/-, and the Tribunal having adjudicated upon awarded a total sum of Rs.2,00,000/- with interest at the rate of

7.5% per annum thereon from the date of petition till the date of payment, apportioning Rs.1,50,000/- to petitioner No.1 and Rs.25,000/- each to petitioner Nos.2 and 3.

5. The petitioners having kept quiet a prolonged period, have now come up with the present delay condonation petition showing the reason that their father, who is petitioner No.1 herein, is only a labourer and he is not worldly-wise and, therefore, they could not file the appeal within time. Except that ground, there is no other ground mentioned by them to condone the delay of 2414 days in preferring the above appeal.

6. It is no doubt true, the present petition is coming up for issue of notice to the sole respondent - erstwhile Andhra Pradesh State Road Transport Corporation, but the fact remains that when sufficient cause *ex facie* is not to be found, there is no necessity to issue notice to the respondent where the delay is so huge that is more than six years. The petitioners cannot, at this stage, come along with their father in preferring the appeal.

7. There is no *bona fide* ground even to issue notice and, therefore, the present I.A. No.1 of 2018 is dismissed. Consequently, MACMA No.897 of 2018 is rejected.

A. SHANKAR NARAYANA, J

April 12, 2018.
Mgr