

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CM-24474-CII-2015 in/&
FAO-7805-2015
Date of decision: 28.02.2018

Hamidi and ors.

... Appellants

VS

Anwar & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. D.S.Matya, Advocate
for the appellants.

Mr. R.B.Gupta, Advocate
for respondent No.2.

Mr. Satpal Dhamija, Advocate
for respondent No.3.

Hari Pal Verma, J.(Oral)

The claimants have filed the present appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Nuh (in short 'the Tribunal') vide award dated 09.02.2010.

The appellants have filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on account of death of Usman, who died in a Motor Vehiclular Accident, which took place on 16.02.2008. The Tribunal after considering all aspects of the case has awarded total compensation of Rs.5,49,000/- along with interest @ 6% per annum from the date of filing of the petition till its realisation. Break up of the amount of compensation was also suggested by the Tribunal and this Court has been informed that the claimants have already withdrawn the amount of compensation.

This appeal has been preferred after a delay of 1950 days and as per the application, the only ground on which condonation is sought for is that the appellants were short of money to engage a counsel to file an appeal. However, after arranging money they contacted the present counsel to file an appeal and accordingly, the present appeal is filed.

I have heard learned counsel for the parties.

There is no dispute that insurance company had deposited the awarded amount of compensation, which the claimants have already withdrawn. Therefore, the argument that the claimants could not arrange the money to engage a counsel is contrary to their own pleadings. The plea of counsel for the claimants that they are ready to forego the interest for the delayed period, cannot be accepted when the appeal is itself barred by an inordinate delay. It is after about 7 years, the present appeal has been filed. Therefore, the ground on which condonation of delay is sought for is not sufficient enough to bring the case of the appellants within the parameters of Section 5 of Limitation Act.

Accordingly, the application for condonation of delay of 1950 days in the filing the appeal and the appeal is dismissed.

28.02.2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No