

**CM-11157-CII-2018 in/and
FAO No.2916 of 2018 (O&M)**

[1]

In the High Court of Punjab and Haryana at Chandigarh

**CM-11157-CII-2018 in/and
FAO No.2916 of 2018 (O&M)
Date of Decision:- 30.05.2018**

Rakesh Kumar and others

.....Appellants

Versus

Balvir Kaur @ Balbir Kaur and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present : Mr. B.B.S.Randhawa, Advocate for the applicant-appellants.

GURVINDER SINGH GILL, J. (Oral)

Applicant-appellant Rakesh Kumar (driver of the offending vehicle) and others have filed this application under Section 5 of Limitation Act, 1963 seeking condonation of delay of 921 days in filing the appeal challenging award dated 19.8.2015 passed by Motor Accident Claims Tribunal, Gurdaspur whereby Balvir Kaur @ Balbir Kaur widow of Parkash Singh has been awarded compensation to the tune of ₹3,30,000/- on account of death of her husband Parkash Singh in a vehicular accident.

A perusal of the application shows that the ground taken therein is that the applicant-appellants had engaged an Advocate and had paid the entire fee for filing an appeal in this Court but upon repeated inquiries the said Advocate always told them that their appeal has been filed and that as and when the case come up for hearing he would inform the applicant-appellants.

It is further stated therein that it was when the insurer filed an application for recovery of compensation from the applicant-appellants pursuant to the recovery rights, that they came to know that their Advocate has not filed any appeal and it was thereafter that they engaged another counsel and filed the present appeal along with the application for condonation of delay.

There is a colossal delay of 921 days in filing the appeal. Nothing is forthcoming to show as to whether the applicant-appellants had ever taken any step or filed any complaint in the Bar Council regarding the alleged conduct of negligence of their counsel in not filing the appeal. Apparently the ground taken herein is a concocted ground and cannot be accepted.

Finding no merit in the application, the application for condonation of delay of 921 days in filing the appeal is dismissed. The appeal is thus held barred by limitation.

May 30, 2018
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No