

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 878 of 2014**

1. Ankit Kumar Kashyap son of late Narayan Prasad, aged about 33 years,
2. Harsh Kumar Kashyap, son of Ankit Kashyap, aged about 04 years, Minor through legal guardian father Ankit Kashyap (Appellant No. 1),

Both R/o. Village Bharvidih, P.S. Ratanpur, Civil and Revenue District- Bilaspur (C.G.),

---- Appellants/claimants**Versus**

1. Santosh Yadav son of Mansha Ram, aged about 33 years, R/o. Village Nirdhi, Tahsil and P.S. Pali, District- Korba, at present Thanapara, Ratanpur, Tahsil Kota, District- Bilaspur (C.G.).... (Driver).
2. Smt. Shobha Yadav wife of Santosh Yadav, R/o. Village Nirdhi, Tahsil and P.S. Pali, District- Korba, at present Thanapara, Ratanpur, Tahsil Kota, District- Bilaspur (C.G.) (Owner).
3. Bajaj Alliance General Insurance Company Limited, G.E. Plaza Airport Road Yarwada, Pune- 411006, India, Through : Branch Manager, Bajaj Alliance General Insurance Company Limited, Branch Office Shiv Mohan Bhawan, Vidhan Sabha Marg, Pandari, Tahsil and District- Raipur.

---- Respondents

For Appellant	:Shri P. D. Manikpuri, Advocate.
For Respondent No.3	:Shri Rohitashav Singh, Advocate

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****18.03.2019**

1. This is claimant's/injured appeal seeking enhancement of compensation awarded by 4th Additional Motor Accident Claims Tribunal, Bilaspur, C.G. in claim case No. 41/2011 vide award dated 13.05.2011. The Tribunal awarded a total sum of Rs. 5,000/- in favour

of appellant No. 1-Ankit and a total sum of Rs.20,000/- in favour of appellant No. 2- Harsh as compensation along with interest @ 6 percent per annum from the date of filing of claim petition till its actual payment in favour of the appellants/claimants.

3. Instant appeal has been filed after an inordinate delay of 1096 days. Heard on IA No. 1, application under Section 5 of the Indian Limitation Act, for condonation of delay in filling the appeal.

04. Learned counsel for the appellants submits that on account of some financial crises, the appellant could not contact the counsel and due to which the appeal could not be filed right in time.

5. Upon due consideration, the explanation offered by the appellant appears to be neither sufficient nor real/genuine, and is unbelievable. Considering every aspect of the matter in the instant case, the appellant could not explain inordinate delay of 1096 days in filling the appeal. Therefore, delay occurred in filing the appeal cannot be condoned. Accordingly, IA No. 1, application for condonation of delay in filing the appeal is dismissed.

06, Consequently, appeal is also dismissed as barred by limitation.

Sd/-

(Gautam Chourdiya)
Judge