

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

**CM Nos.7141-42-CII of 2016
FAO No.1885 of 2016 (O&M)
Date of decision: 14.02.2019**

Kuljinder Jeet Singh (Now Deceased) through his LRs....Appellants

Versus

National Insurance Company Ltd. and others

....Respondents

Coram: Hon'ble Mr. Justice B.S. Walia

Present: Ms. Satpreet Grewal Kapila, Advocate for the appellants.

B.S. Walia, J.

Appeal has been filed alongwith an application for condonation of 212 days' delay challenging award dated 21.11.2014 passed by the learned Motor Accidents Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal') awarding compensation of ₹7,22,000/- to respondent Nos.2 and 3 on account of death of Amandeep Singh with 50% of the compensation to be paid by appellant and respondent No.8 i.e. owner and driver of the offending vehicle and balance 50% by the other respondents.

2. Application for condonation has been filed by the LR's of deceased Kuljinder Jeet Singh praying for condonation of delay of 212 days in filing the appeal on the ground that due to death of Kuljinder Jeet Singh they were under immense mental stress besides were facing financial problems.

3. A perusal of paragraph No.9 of the award reveals that Kuljinder Jeet Singh i.e owner of Truck No.PB-07V-8251 died during the pendency of the proceedings before the learned Tribunal and the LR's of Kuljinder Jeet

Singh were brought on record by the Tribunal vide order dated 18.12.2012 and thereafter contested the proceedings before the learned Tribunal leading to passing of award dated 21.11.2014. Appeal was filed against the award on 22.9.2015 but was returned on the same day with objections and was thereafter, refiled on 31.10.2015 but was again returned with objections and was again refiled after removing objections on 5.11.2015 but it was again returned with certain objections on 26.11.2015. Thus, not only there is initial delay of 212 days in filing the appeal but 56 days in refilling the appeal.

4. Owner of the truck Kuljinder Jeet Singh having expired in 2012 with LR's of the deceased having been brought on the record on 18.12.2012 and contested the proceedings leading to passing of award dated 21.11.2014 the appeal filed on 22.9.2015 alongwith application for condonation of delay with the bald plea that the LRs of deceased Kuljinder Jeet Singh were under mental stress on account of his death besides, were facing financial problems without any particulars in respect thereto having been set out in the application does not constitute sufficient cause so as to enable them to seek condonation of delay.

5. Accordingly, on account of failure to substantiate sufficient cause for not filing the appeal within the stipulated period of time, the application for condonation of delay is dismissed and consequently, the appeal is also dismissed in limine.

February 14, 2019
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No