

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.A.(C) No. 794 of 2019**

- Mansingh S/o Beer Singh Nishad Aged About 28 Years R/o Village Bafra, Post Madoda, Police Station And Tahsil Khairagarh, Dsitric Rajnandgaon Chhattisgarh.

---- Appellant**Versus**

1. Balkaran Yadav S/o Metaram Yadav Aged About 35 Years R/o Village Masul, Post Patewa, Police Station Bhumka, Dsitric Rajnandgaon Chhattisgarh.
2. Branch Manager The Oriental Insurance Company Limited, Station Road, Rajnandgaon, Tahsil Rajnandgoan, Dsitric Rajnandgaon Chhattisgarh. --- (Insurer Of Offending Vehicle Bearing Registration No. C.G.08/a-N 4030 Motor Cycle).

---- Respondents

For Appellant:	Shri Ashok Patil, Advocate.
For Respondent No.1:	None, though served.
For Respondent No.2:	Shri H. P. Agrawal, Advocate.

Single Bench: Hon'ble Shri Sanjay S. Agrawal, J**Order On Board****06.12.2021**

1. Heard on I.A. No.02/2019, an application for condonation of delay of 1892 days in filing this appeal.
2. It is contended by learned counsel appearing for the Appellant that due to some financial problem, the Appellant could not approach his counsel in time for filing of this appeal. It is contended further that after the alleged accident, the Appellant was not in a position to move properly and being an illiterate person, he was not aware regarding the filing of this appeal before this Court. It is, therefore, contended by counsel for the Appellant that the delay, which occurred, is bona fide and there is no mala fide intention behind it, and therefore, the delay may be condoned.

3. On the other hand, Shri Agrawal, learned counsel appearing for Respondent No.2, while opposing the aforesaid application, submits that the reasons as assigned by the Appellant are not reliable as the same has been assigned in a cursory manner, and therefore, the application seeking condonation of delay in filing of this appeal is liable to be rejected.

4. Having considered the facts and circumstances of the case and considering further that the award impugned has been passed on 28.10.2013 and the appeal has been preferred thereagainst only on 02.04.2019 even without assigning any cogent and reliable evidence, I am not inclined to condone such a huge delay of 1892 days in filing this appeal.

5. The said application is accordingly rejected.

6. Consequently, the Appeal is also dismissed as barred by time.

Sd/-

(Sanjay S. Agrawal)
JUDGE