

THE HON'BLE SRI JUSTICE PULLA KARTHIK

M.A.C.M.A. NO.446 of 2020

AND

I.A.NO.2 OF 2020

IN

MACMA NO.446 OF 2020

COMMON JUDGMENT:

This appeal is filed by the appellants/claimants challenging the award and decree dated 31.01.2012 in MVOP No.67 of 2009 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-VIII Additional District Judge, Nizamabad, wherein, the Tribunal had awarded a compensation amount of Rs.3,26,000/-, as against the claim for an amount of Rs.6,00,000/- for the death of the deceased Dhamareddy @ Chintha Narsa Reddy in a motor vehicle accident on 26.10.2008.

2. I.A.No.2 of 2020 is filed to condone the delay of 2874 days in filing the appeal and an affidavit is filed along with the petition, explaining the reasons for the delay occurred in filing of the appeal wherein, it is stated that – “the orders

passed by the Tribunal on 31.01.2012, the copy of application was made on 21.07.2020, the stamps were called for on 14-08-2020, stamps deposited on 14-08-2020, the copy was ready and delivered on 14.08.2020. It is stated that her counsel informed her about the passing of the award and she did not know that she can file appeal for enhancement of claim amount and she was residing with her parents along with her minor son at Nizamabad and recently came to her home town on 15.3.2020 and she instructed her counsel to file an appeal before the Hon'ble High court. The inordinate delay caused between the date of judgment and filing of appeal is only due to lack of her knowledge." Hence prays to condone the delay.

3. The learned counsel for the appellant contends that the petition i.e. I.A.No.2 of 2020 is filed seeking to condone the delay of 2874 days in filing appeal duly explaining the reasons for the delay caused. It is further contended that he is ready to forego the interest for the delay period.

4. The learned counsel for 2nd respondent /Insurance Company vehemently opposed contending that there is an inordinate delay in filing of appeal which cannot be condoned and relied on Judgment of Apex court in ***Estate Officer, Haryana Urban Development Authority and another vs. Gopi Chand Atreja*** reported in (2019) 4 Supreme Court Cases 612 and MACMA MP No.3413/2017 in MACMA No.1871/2017.

5. As seen from the affidavit, no such day to day delay or any cogent reasons are assigned. Since the appellant failed to explain about day to day delay in the IA, the same is liable to be dismissed in the light of Air 2019 SC 1423.

6. In view of the decision of the Apex Court in ***Gopi Chand Atreja's*** case referred supra reported in (2019) 4 Supreme Court Cases 612, the condone delay application is dismissed and accordingly, MACMA is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

JUSTICE PULLA KARTHIK

Date: 26.09.2022

BV

(Note: On noticing some typographical errors, to be rectified, this case was posted under the caption 'for being mentioned' on 16.12.2022 and rectified accordingly).