

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM 28754-CII/2018 in/and
FAO 16171/2018(O&M)

Date of decision: 16.05.2023.

Parminder Kaur and others

.....Appellants

Vs.

Rattan Singh and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. S.S.Siao, Advocate for the appellants.

Nidhi Gupta, J.

Present appeal has been filed by the claimants in the year 2018 against the Award dated 12.12.2000 passed by Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'the learned Tribunal') granting a compensation of Rs.2,64,900/- in MACT Case No.82 of 18.4.2000 on account of death of Jaswant Singh in a motor vehicular accident that took place on 10.3.2000 due to rash and negligent driving of truck bearing registration No. PCI-4140 being driven by respondent no.1, owned by respondent no.2 and insured by respondent no.3 herein. Appellants are widow, two minor children and parents of the deceased Jaswant Singh.

Since there is delay of 6417 days in filing the appeal, CM 16171-CII/2018 has been filed under Section 5 of the Limitation Act seeking condonation of said delay. It is averred in the application that at the time of decision of their claim petition, the then counsel for the claimants did not

apprise the claimants about their right to appeal and limitation period for filing such an appeal. It is further averred that now appellants no. 2 and 3 on attaining majority accompanied by their mother approached one Mr. GS Sandhu, Advocate to file an application before the Id. Tribunal to release the compensation awarded to minors, which was kept in FDRs, that Mr. Sandhu informed them about their right to file appeal and limitation. Thus, it is averred that neither the delay was intentional nor deliberate and further prayer has been made to condone the said delay of 6417 days in filing the appeal.

Heard Id. counsel.

After hearing the Id. counsel for the applicants/appellants and perusing averments made in the application, I find no ground is made out for condoning such a huge delay of 6417 days.

Resultantly, the application seeking condonation of delay is dismissed.

Since the application seeking condonation of delay stands dismissed, the appeal also stands dismissed as barred by limitation. Even otherwise, an appraisal of the impugned Award shows that the learned Tribunal has awarded a very just and fair compensation in the facts and circumstances of the case. Accordingly, no interference in the impugned Award is called for.

Dismissed.

16.05.2023.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No