

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10299 OF 2013
(Arising out of SLP(C) NO. 17328 of 2013)

|Mamta Chauhan |.. APPELLANT |

Versus

|Keshav Sharma & Ors. |.. RESPONDENTS |

O R D E R

1. This appeal, by special appeal, is directed against the judgment and order passed by the High Court of Madhya Pradesh in Miscellaneous Appeal No.219 of 2013, dated 22.02.2013. By the impugned judgment, the High Court has declined to condone the delay of 230 days in filing the Appeal against the award passed by the Motor Accidents Claims Tribunal, Bhopal (for short, 'the Tribunal').

2. Being aggrieved by the award so passed by the Tribunal, the appellant/claimant had approached the High Court. There was a delay of 230 days in filing the Appeal, therefore, the claimant had filed an application under Section 5 of the Limitation Act inter alia bringing to the notice of the Court the cause and the reasons for the delay in filing the appeal.

3. The High Court after going through the application so filed for condonation of delay has come to the conclusion that the claimant has not satisfactorily explained the cause of delay in filing the appeal and accordingly, has rejected the application for condonation of delay.

4. We have carefully gone through the application for condonation of delay in the filing the First Appeal. We are satisfied that the appellant had assigned cogent reason for approaching the Court after 230 days from the date of the award passed by the Tribunal. In our opinion, the High Court ought to have condoned the delay and ought to have heard the matter on merits. Since that has not been done, we take exception to the orders passed by the High Court.

5. In view of the above, without expressing any opinion on the merits or demerits of the case, we allow this appeal and condone the delay in filing the appeal. We now request the High Court to restore the First Appeal and decide the appeal on merits after affording the opportunity of hearing to the parties concerned.

6. The Civil Appeal is disposed of accordingly.

Ordered accordingly.

.....J.
[H. L. DATTU]

.....J.
[RANJANA PRAKASH DESAI]

NEW DELHI;
NOVEMBER 13, 2013.

ITEM NO.6

COURT NO.4

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).17328/2013

(From the judgement and order dated 22/02/2013 in MA No.219/2013 of The
HIGH COURT OF M.P AT JABALPUR)

MAMTA CHAUHAN

Petitioner(s)

VERSUS

KESHAV SHARMA & ORS.

Respondent(s)

Date: 13/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s) Mr. Nitin Gaur, Adv.
Mr. S.K. Sabharwal, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

| [Charanjeet Kaur] | | [Vinod Kulvi] |
|Court Master | |Asstt. Registrar |

[Signed order is placed on the file]

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