

ITEM NO.19

COURT NO.7

SECTION IVB

S U P R E M E

C O U R T O F I N D I A  
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (Civil)...../2011  
CC 15872/2011(From the judgement and order dated 07/09/2009 in CMA No.44326/2008  
in FAFO No.529/2008 of The HIGH COURT OF ALLAHABAD, LUCKNOW BENCH,  
LUCKNOW)

RAJEEV TIWARI

Petitioner(s)

VERSUS

BAZAJ ALLIANZ GENERAL INSURANCE CO. LTD. &amp; ORS.

Respondent(s)

With IA 1(c/delay in filing SLP &amp; c/delay in refiling SLP)

Date: 30/09/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYAFor Petitioner(s) Mr. Yatish Mohan, Adv.for  
Mr. E.C.Vidya Sagar, Adv.

For Respondent(s)

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

Delay of 88 days' in refiling the special leave  
petition is condoned.

This petition is directed against order dated  
7.9.2009 passed by the High Court of Judicature at  
Allahabad, Lucknow Bench, Lucknow, whereby the application  
filed by the petitioner for condonation of delay in filing  
appeal against the award passed by the Motor Accident Claims

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Tribunal, Unnao (for short, 'the Tribunal') was rejected and  
the appeal was dismissed as barred by time.

The petitioner has also filed an application for  
condonation of 513 days' delay in filing the special leave  
petition.

We have heard Mr. Yatish Mohan, learned counsel for

the petitioner and perused the record.

In our view, the explanation given by the petitioner for delayed filing of the special leave petition is wholly unsatisfactory and there is no valid ground much less justification for exercise of power by this Court under Section 5 of the Limitation Act, 1963.

Even on merits, we are satisfied that the impugned order does not suffer from any legal infirmity warranting interference under Article 136 of the Constitution of India because the Tribunal had assigned cogent reasons for recording a finding that the accident was caused due to rash and negligent driving of motor cycle of the petitioner and awarded compensation of Rs.1,89,000/- keeping in view the income of the deceased - Rajesh Kumar, number of family members and their dependency.

The special leave petition is, accordingly, dismissed on the ground of delay and also on merits.

(Parveen Kr. Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master