

Kerala High Court

Sheeba K.P. vs United India Insurance Company ... on 18 August, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

MACA.No. 1517 of 2010()

1. SHEEBA K.P., AGED 18 YEARS, D/O.
... Petitioner

Vs

1. UNITED INDIA INSURANCE COMPANY LTD.,
... Respondent

For Petitioner :SMT.CELINE JOSEPH

For Respondent : No Appearance

The Hon'ble MR. Justice A.K.BASHEER
The Hon'ble MR. Justice P.Q.BARKATH ALI

Dated :18/08/2010

O R D E R

A.K.BASHEER & P.Q.BARKATH ALI, JJ.

C.M.Appln.No.1905 OF 2010 in M.A.C.A.No.1517 OF 2010

Dated this the 18th day of August 2010

ORDER

Basheer, J.

In this application filed under Section 5 of the Limitation Act, the prayer is to condone the delay of 766 days in filing the appeal.

The impugned award was passed by the Tribunal on January 15, 2008. But according to the petitioner/appellant, his father who had been conducting the case before the Tribunal got injured due to an accidental fall. He was laid up for a considerable period. But thereafter petitioner contacted his counsel who advised him to file an appeal. The averments in the affidavit filed in

support of the application are totally sketchy, unconvincing and unsatisfactory. We have also perused the impugned award. It is true that the petitioner had suffered a fracture on left supra condylar region.

Considering the nature of the injury and the materials available on record, the Tribunal, in our view, had awarded just and reasonable compensation. Anyhow, since the explanation offered for condonation of delay is not at all satisfactory, we are not inclined to condone the same. Therefore, the delay petition is dismissed.

A.K.BASHEER, JUDGE P.Q.BARKATH ALI, JUDGE jes A.K.BASHEER & P.Q.BARKATH ALI, JJ.

M.A.C.A.No.1517 OF 2010

Dated this the 18th day of August 2010 JUDGMENT Basheer, J.

In view of the dismissal of petition for condonation of delay, this MACA is also dismissed.

A.K.BASHEER, JUDGE P.Q.BARKATH ALI, JUDGE jes