

Anil Kumar Vs. Kashiram

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Court : Madhya Pradesh

Decided On : Jul-31-2013

Appellant : Anil Kumar

Respondent : Kashiram

Judgement :

M.A.No.3377/2009 31/07/2013.

Shri Pramesh Jain, Advocate for the appellants.

Shri Yaduvendra Dwivedi, Advocate for the respondent No.1.

Shri N.S.Ruprah, Advocate for the respondent No.2.

Heard on IA No.9283/2009, which is an application under Section 5 of the Limitation Act for condonation of delay of more than 8 years. The appellants have filed this appeal under Section 173 of the Motor Vehicles Act.

The aforesaid application for condonation of delay has been filed on the ground that the appellants engaged to Shri U.C.Thakur, Advocate as his counsel before the learned Tribunal and handed over him the relevant documents including driving licence.

Shri U.C.Thakur, Advocate was also the counsel for the Insurance Company and in 12 cases arising out of the same accident, compromise was arrived in Lok

Adalat and the counsel for the appellants had also assured the appellants that their claim shall also be settled in the Lok Adalat.

However, the matter was not settled in the Lok Adalat and award was passed on 2.12.2000 and the information about passing of the award was not intimated by the counsel to the appellants.

The appellants came to knot about passing of the award on 30.5.2009.

Thereafter, the appellants contacted their counsel but no satisfactory answer was given by Shri Thakur.

Thereafter, the appellants sent their clerk to Tikarmgarh in 3rd week of June, 2009 and he was informed that award has been passed against the appellants.

Thereafter, appellants applied for certified copy of the impugned award which

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