

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 4783/2020

(Arising out of impugned final judgment and order dated 15-03-2019 in MAC No. 561/2014 passed by the High Court of Chhatisgarh at Bilaspur)

BANIHARIN BAI SAHU & ORS.

Petitioner(s)

VERSUS

NATIONAL INSURANCE COMPANY LTD. & ORS.

Respondent(s)

(IA No.42174/2020-CONDONATION OF DELAY IN FILING and IA No.42180/2020-EXEMPTION FROM FILING O.T.)

Date : 15-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPHFor Petitioner(s) Mr. Ashutosh Ghade, Adv.
For Ms. Manju Jetley, AOR

For Respondent(s)

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

Delay condoned.

We have heard learned counsel for the petitioners. The findings in the impugned order qua the liability of the Insurance Company are unexceptionable. The petitioners really seek, apart from this, to open up the determination of the quantum of compensation as determined by the MACT. Unfortunately, the petitioners never preferred an appeal against the Award before the High Court.

We are unable to accept the request of the petitioners to convert ourselves into a court of first appeal to re-determine the compensation.

The aforesaid being the position, the only remedy to the petitioners would be to move the High Court by way of an appeal against the MACT order but then would have to state as to how the delay is to be condoned and that would be an aspect for which the High Court would have to take a call.

We are thus not inclined to interfere under Article 136 of the Constitution of India.

The Special Leave Petition is accordingly dismissed.

Pending application shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR