



CGHC010381022026

2026:CGHC:43782

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CR No. 221 of 2026

Cholamandalam M.S. General Insurance Company Limited, Through Its Branch Manager, Ward No. 25 (Govind Singh Ward), Second Floor, Simran Tower, Pandri Road, In Front Of L I C Bhawan, Raipur District Raipur, Chhattisgarh,

... **Applicant**

versus

1 - Smt. Sangeeta Tandi Wd/o Late Sonu Tandi, Aged About 38 Years, R/o 903, Near Marwadi Kabristan, Dulari Nagar, Ward No. 56, Tikrapara, Raipur, District Raipur Chhattisgarh Pin Code 492001 (Claimant)

2 - Parvati Tandi D/o Late Sonu Tandi Aged About 19 Years R/o 903, Near Marwadi Kabristan, Dulari Nagar, Ward No. 56, Tikrapara, Raipur, District Raipur Chhattisgarh Pin Code 492001 (Claimant)

3 - Nitesh Tandi S/o Late Sonu Tandi Aged About 14 Years Minor, Represented Through Natural Guardian/ Mother Smt. Sangeeta Tandi, R/o 903, Near Marwadi Kabristan, Dulari Nagar, Ward No. 56, Tikrapara, Raipur, District Raipur Chhattisgarh Pin Code 492001 (Claimant)

4 - Shadab Ali S/o Hamid Ali Aged About 26 Years R/o Amin Para, Police Station Purani Basti, Raipur, District Raipur Chhattisgarh Pin Code 492001 (Driver)

5 - Abdul Sadik S/o Abdul Karim Aged About 26 Years R/o Jagannath Mandir Para, Basna, District Mahasamund, Chhattisgarh Pin Code 493554 (Owner)

... **Respondents**

For Applicant : Mr. Siddharth Pandey, Advocate

For Respondent(s) : -----

Hon'ble Shri Justice Sachin Singh Rajput**Order on Board****09.10.2026**

1. Heard on I.A. No.2/2026, application for condonation of delay in filing this Civil Revision.
2. Learned Counsel for the applicant submits that the respondent No.1 to 3/claimants have filed an application under Section 166 of the Motor Vehicles Act, 1988 (in short 'the MV Act') seeking compensation on account of death of Sonu Tandi in an accident that occurred on 05.07.2022 by rash and negligent driving of the offending vehicle i.e. Maruti Swift Dzire Car bearing registration No.CG-04-JF-3331 driven by respondent No.4, owned by respondent No.5. He submits that the accident has occurred on 05.07.2022 and the application for compensation was filed on 24.03.2025 after a delay of about two and half years of the date of accident. He submits that according to the amendment incorporated in the MV Act, the period of limitation for filing an application for compensation is six months. Apparently, claim application is barred by limitation. He further submits that an application under Order 7 Rule 11 of the CPC, 1908 was filed by the applicant for rejection of claim application being barred by limitation, that application was rejected by learned Claims Tribunal vide order dated 17.02.2026. There is a delay of about 120 days in filing the appeal for which an application under Section 5 of the Limitation Act has been filed. He further submits that the delay has occurred due to bona fide and unavoidable circumstances nor intentional or deliberate. Thus, delay may be condoned and the present Civil Revision may be admitted.

3. I have perused the application for condonation of delay and the recital is quoted herein below:-

“2. That, there is a delay of 121 days in filing the accompanying Civil Revision. The said delay has occurred due to bona fide and unavoidable circumstances and is neither intentional nor deliberate. The applicant has been diligently pursuing the matter and has approached the Hon’ble Court at the earliest possible opportunity.

3. That, the Applicant has a substantial case on merits and the accompanying Civil Revision raises an important question regarding the maintainability of the claim petition in view of the statutory bar contained under Section 166(3) of the Motor Vehicles Act. If the delay is not condoned, the applicant would suffer serious prejudice, whereas no prejudice would be caused to the non-applicants if the delay is condoned.

4. That, in the facts and circumstances of the case and in the interest of substantial justice, it is just and proper that the delay of 218 days in filing the accompanying Civil Revision may kindly be condoned.”

4. After perusing the same, this Court is of the view that no proper and sufficient explanation for delay has been shown in the application. The only reason mentioned is unavoidable circumstances but what are the unavoidable circumstances has not been disclosed by the applicant.

5. In view of the above, this Court is not inclined to allow this application i.e. application for condonation of delay. Accordingly, I.A. No.2/2026 stands dismissed. Consequently, the Civil Revision is also dismissed.

Sd/-

(Sachin Singh Rajput)
Judge