

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 95 of 2011**

- Chhattisgarh Vidyut Mandal, by Divisional Officer, Chhattisgarh Vidyut Mandal, Dongargaon, Tahsil Dongargaon, District Rajnandgaon (CG)

---- Petitioner**Versus**

1. The Oriental Insurance Company Limited, by Divisional Office, 124 Naiper Town, Post Box-80, Jabalpur
2. Smt. Janki Bai Thakur, aged about 40 years, W/o late Dayaluram Thakur, R/o Village Kachandur, Tahsil Gunderdehi, District Durg, Chhattisgarh.
3. Khuman Singh, S/o Dayaluram, A Minor, through his natural Guardian Smt. Janki Bai, W/o Late Dayaluram Thakur (mother and respondent No.1) R/o Village Kachandur, Tahsil Gunderdehi, District Durg (CG)
4. Shri Dukaluram Verma, S/o Tilakram Verma, Driver, Tahsil, Ambagarh Chowki, Thana Chowki, District Rajnandgaon (CG)

Present Address: Village Gajmarra, P.O. Dongargaon, Tahsil Dongargaon, District Rajnandgaon (CG)

5. M.P. Electricity Board, Vidyut Nagar, Jabalpur (MP) By Engineer, MP Electricity Board Vidyut Nagar, Jabalpur M.P.

---- Respondent

For Petitioner : Shri Alok Bakshi Advocate.
 For Respondent No. 1 : Smt. Chitra Shrivastava, Advocate.
 For Respondent No.2& 3 : Shri PR Patankar, Advocate.

Hon'ble The Chief Justice
Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

27/11/2015

1. IA No.1/2011 has been filed to condone delay of approximately 131 days in filing the review application. The explanation for the delay states that when the applicant came to know about passing of the order dated 1.4.2011 in MA No.823/2006, without disclosing the date of knowledge, the Review Application was decided to be filed. Thereafter necessary preparations were made and the application filed. Thus the delay was bonafide.
2. The deceased was an employee of the petitioner. The vehicle of the petitioner carried a third party insurance only. The deceased was an occupant leading to award jointly by the Tribunal against the Insurance Company and the Petitioner. In the Miscellaneous Appeal, noticing that it was third party insurance only, the Insurance Company was discharged.
3. The petitioner did not appear before the Tribunal despite notice. The order dated 1.4.2011 from which Review Petition arises also noticed non-appearance of the petitioner. The Review Application after it was filed was also dismissed for non-prosecution and has been restored. The application for condonation of delay does not contain any material which can be considered as sufficient cause for condoning delay.
4. In the aforesaid circumstances, we are not satisfied that the present is a fit case for condoning delay. IA No.1/2011 is rejected. The Review Petition automatically fails and is hereby dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(Prashant Kumar Mishra)
J U D G E