

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 260 of 2016

Amarnath Sharma S/o Shivnath Sharma, Aged About 36 Years Caste-Badai, R/o Santoshipara, Milan Chowk, Camp-2, Police Station Chhawani, Bhilai, District Durg, Chhattisgarh

---- Appellant

Versus

1. Ashwani Kumar Banjare S/o Manikram Banjare, Aged About 39 Years R/o Semariya, P.S. Bhatapara, District Raipur, Chhattisgarh(Driver)
2. Tineshwari Baghel Wd/o Late Namdas Baghel, R/o Kathiya, P.S. Kharora, District Raipur, Chhattisgarh(Owner)
3. Branch Manager, The New India Insurance Company Limited, Through Divisional Manager, The New India Insurance Company Limited, Thakkar Chambers, Beside Of Ashish Hotel, Power House, Bhilai, District- Durg, Chhattisgarh(Insurer)
4. Kishore Kumar Sahu S/o Ganeshram Sahu, R/o Nehru Ward, Bhatapara, P.S. Bhatapara, District Raipur, Chhattisgarh(Driver)
5. Angadram Sahu S/o Dalluram Sahu, R/o Nayaganj Ward, Bhatapara, District Raipur, Chhattisgarh(Owner)
6. Branch Manager, The Oriental Insurance Company Limited, Madina Building, Kachahari Chowk, Raipur, Through Divisional Manager, The Oriental Insurance Company Limited, Malviya Nagar, Durg, Chhattisgarh(Insurer)

---- Respondents

For Appellant	:	Shri KPS Gandhi, Advocate
For Respondent No.3	:	Shri Qamrul Aziz, Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/05/2016

1. Heard on I.A.No.1, application for condonation of delay in filing the appeal.
2. The appeal is barred by 2194 days. The reasons offered in the explanation

is that the documents were handed over to one Advocate for filing appeal, who died and the appellant was under impression that appeal must have been filed but later on they came to know that the appeal has not been filed then another counsel was engaged and appeal was filed.

3. The application is as vague as it could be. Neither the name of the Advocate who is engaged nor the date of his death has been stated. The date on which the appellant came to know about death of counsel has also not been stated. On such vague assertion, no case for condonation of delay is made out. Otherwise also, it is a case of injury. Therefore, considering the aforesaid circumstances, I am not inclined to condone the delay.
4. The application for condonation of delay in filing the appeal is rejected and consequently, the appeal is also dismissed as barred by limitation.

Sd/-
(Manindra Mohan Shrivastava)
Judge