

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 359 of 2015**

Mohan Biranware S/o Lakhan Biranware Aged About 63 Years R/o Sadar Mount Road, Railway Colony, Qt. No. 50, Nagpur, Distt.- Nagpur, Maharashtra

---- Petitioner

Versus

1. Manoj S/o Babu Singh Raghuvanshi Aged About 25 Years R/o Santra Market-Bajariya, P.S. Ganesh Peth, Nagpur, Maharashtra
2. Shitala Prasad Gaur S/o Shri Jagannath Gaur Gaur Brothers, Bhagbai Chauk, G.E. Road, Nagpur, Maharashtra
3. The Oriental Insurance Co. Limited Through : Branch Manager- City Branch Office, 116, Central Avenue Road, Nagpur, Maharashtra

---- Respondents

For Petitioner	:	Shri M.K. Sinha, Advocate
For Respondent No.3	:	Shri H.S. Patel, Advocate

S.B.Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****05/02/2016**

1. Heard on I.A.No.1, application for condonation of delay in filing this appeal.
2. Learned counsel for the appellant submits that though there is delay of 13 years in filing appeal, just and sufficient cause has been shown in the application which shows that for none of the fault of the appellant, the delay occurred. He submitted that it was the counsel in the lower Court who was instructed to file appeal, but he did not file appeal and kept on falsely stating that appeal is pending in the High Court.
3. Learned counsel for appearing for respondent- Insurance Company submits that the application is based on afterthought grounds.

4. The application is blissfully vague. The allegation against lower Court counsel has been made without any particulars and details in casual manner. When the appellant met the local counsel and when instructions were given to file appeal has not been stated. It is surprising that for 13 years, the appellant did not make any inquiry with regard to result of his appeal. The application for condonation of delay is not based on any bonafide ground.
5. In view of the above, the application for condonation of delay is rejected and the appeal is dismissed as barred by limitation.

Sd/-
(Manindra Mohan Shrivastava)
Judge