

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 460 of 2016

Reliance General Insurance Company Limited , Through Its
Legal Manager, Reliance General Insurance Company
Limited, 5th Floor, National Corporate House Opposite Maruti
Business Park, G.E.Road, Raipur, Chhattisgarh

---- Petitioner

Versus

1. Devid Kumar Thakur S/o Misundhar Singh Thakur, Aged
About 15 Years Caste Gond, Being Minor Through Father
Misundhar Singh Thakur, S/o Jagdish Thakur, Aged About 45
Years, R/o Village Khairwahi, Post Latabod, P.S. & Tahsil
Balod, District Durg, Chhattisgarh(Claimant)
2. Pratap Singh Sahu S/o Chintaram Sahu, Aged About 34
Years R/o Village Khairwahi, Post Latabod, P.S. & Tahsil
Balod, District Durg, Chhattisgarh(Owner-Cum-
Driver)
3. Royal Sunderam Alliance Insurance Co. Ltd. Office 315,
Arneja Corner, B Wing, I I I Floor, Sector 11, Wasinevy
Mumbai (Maharashtra) 400709(Insurer Of Tractor)

---- Respondents

For Petitioner : Mr. Sourabh Sharma, Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/04/2016

Heard on application for condonation of delay in filing appeal.

1. The appeal has been filed by the appellant aggrieved by the
award which was passed on 25.01.2011.
2. Learned counsel for the appellant argued to convince the
Court that there is sufficient cause shown for condonation of delay in
filing appeal. He submits that the delay occurred due to official
communication.
3. In the present appeal, the impugned order was passed by the

Tribunal way back on 25.01.2011. The petitioner is an Insurance Company. Though it cannot be denied that some time may have been consumed in official communication, there is no explanation offered by the appellant company to condone such a long delay of almost 5 years. It is also seen that the Insurance Company has sought exoneration on the ground that the injured was a gratuitous passenger. A perusal of the award shows that very small amount of compensation has been awarded to the injured.

4. Taking into consideration the aforesaid aspect of the matter, particularly that the delay is very long and very small amount is involved in the matter, the application for condonation of delay is dismissed and consequently the appeal is also dismissed as barred by limitation.

Sd/-
(Manindra Mohan Shrivastava)
J U D G E