

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP227 No. 428 of 2016**

1. Bajaj Allianz General Insurance Company Ltd. Shivmohan Bhavan, Vidhan Sabha Road, Pandri, P. S. Pandri, Raipur, Tah : & Dist : Raipur (Chhattisgarh) (Insurer Of Veh. No. CG-05-D-1390)

(Name And Address Of This Petitioner In The Cause Title in Certified Copy Of The Order Sheet Dated 8.4.2016 Wrongly Mentioned As The Oriental Ins. Co. Ltd.)

**---- Petitioner**

**Versus**

1. Niranjana Sardar S/o Late Vipin R/o Village P.V. 71, Police Station And Tahsil Pakhanjur, Dist. North Bastar, Kanker (Chhattisgarh)

.....(Claimant)

2. Sahdev Sardar @ Mandal, Aged About 21 Years R/o Village P. V. 71, Police Station And Tahsil Pakhanjur, Dist. North Bastar, Kanker (Chhattisgarh)

.....(Driver Of Veh. No. CG-05-D-1390) (N.A.No. 1)

3. Sanatan Mandal S/o Manohar Mandal, Aged About 55 Years R/o Village Police Station And Tahsil Pakhanjur, Dist. North Bastar, Kanker (Chhattisgarh)

.....(Owner Of Veh. No. CG-05-D-1390) (N.A.No. 2)

**---- Respondent**

---

For Petitioner

Shri R.S. Singh, Advocate

---

**Hon'ble Shri Justice Prashant Kumar Mishra**

**Order On Board**

**17/08/2016**

1. The respondent No.1 has filed a claim petition seeking compensation for the injuries caused to him in the accident happened on 5-3-2014. In the said claim petition filed on 13-2-2015, the petitioner Insurance Company entered appearance on 19-11-2015 and, thereafter, sought adjournments for filing written statement till 25-2-2016. However, since the written statement was not filed nor prayer for extension of time was made its right to file written statement was closed on 25-2-2016. The petitioner, thereafter, moved an application under Section 151 of the Code of Civil Procedure, 1908 along with the written statement and prayed for taking the same on record.
2. It is this application which has been rejected by the learned Motor Accident Claims Tribunal.
3. It is argued by the learned counsel appearing for the petitioner that the claim petition is not pending for years together and the petitioner was allowed time hardly for three months and immediately thereafter, the right to file written statement has been closed. It is argued that the Insurance Company desires to raise a plea of violation of the terms and conditions of the driving licence to contend that the company is not liable to pay compensation.
4. Considering the entire facts situation of the case, the writ petition is disposed of with a direction that in the event the petitioner submits its written statement within a period of one month from today along with

payment of cost of Rs.5000/- payable to the claimant in the form of Demand Draft, the learned Claims Tribunal shall take the written statement on record and proceed to decide the claim petition, in accordance with law and on its own merits at the earliest preferably within a period of 8 months.

Sd/-

Judge

Prashant Kumar Mishra

Gowri