

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.878 of 2016**

- Shri Ram General Assurance Co. Ltd. Branch Office Plot No. 1, 4th Floor Maruti Heights Besides R. K. Mall G. E. Road Raipur, Chhattisgarh, Branch Manager (Insurer Of Truck C G 04 J 2959)

---- Appellant**Versus**

1. Rukhmani Bai W/o Late Pareshwar, Aged About 22 Years Caste Dhobei, R/o Gram Tomar Thana & Tahsil Shakti, District Janjgir Champa, Chhattisgarh
2. Shyam Lal, S/o Sadhu Ram, Aged About 55 Years Caste Dhobei, R/o Gram Tomar Thana & Tahsil Shakti, District Janjgir Champa, Chhattisgarh
3. Moti Bai W/o Shyam Lal, Aged About 50 Years Caste Dhobei, R/o Gram Tomar Thana & Tahsil Shakti, District Janjgir Champa, Chhattisgarh(Claimant)
4. Prakash Kumar Suarvanshi, S/o Shri Maharathi Survanshi, Aged About 32 Years Caste Satnami, R/o Ward No. 11 Baradwar, Tahsil Shakti, District Janjgir Champa, Chhattisgarh.....(Driver Of Truck C G 04 J 2959)
5. Mohan Lai Sharma, S/o Shri Nath Sharma, Caste Brahman, R/o Kamrid, Thana Saragao, District Janjgir Champa, Chhattisgarh.....(Owner Of Truck No. C G 04 J 2959)

---- Respondents

For appellant : Shri Deepak Gupta, Advocate
 None for respondent No.1 though served.
 None for respondents 2 to 5 though represented.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.12.2016**

Heard.

2. The instant appeal has been preferred after 686 days of its limitation.
3. Heard on IA No.01/16 for condonation of delay in filing the appeal.

4. It is submitted on behalf of the appellant that the appellant Insurance Company on advice of their counsel processed the file and decided to file the appeal as it involves material question of law and fact and after its approval the appellant Head Office Jaipur sent the file to its Bilaspur Office for filing the appeal, hence the delay is bonafide and unintentional, same may be condoned and the appeal may be heard on its merits.

5. Perused the impugned award.

6. It would be the duty of the appellant to satisfactorily explain the delay for filing the appeal. By simply mentioning that the company decided to file the appeal as there was material question of law and facts involved and the head office of the company was at Jaipur and the delay occurred due to procedural formalities of the company, is not sufficient, thereby the appellant failed to explain the reasons of delay satisfactorily.

7. On due consideration, the reasons mentioned in the application, the ground for delay of 686 days in filing the appeal does not inspire confidence after perusal of the impugned award. Consequently, this Court is of the opinion that no case is made out on facts for condonation of delay in filing the appeal. The application is thus liable to be dismissed and is accordingly dismissed.

8. As a consequence, the appeal too is dismissed as being barred by time.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE