

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 362 of 2016**

Gopal Krishana Sahu S/o S.R. Sahu, Aged About 43 Years Gayatri
Mandir Road Bhadrpara Balko Tah. & Dist. Korba,
Chhattisgarh(Non-Applicant No.2)

---- Appellant

Versus

1. Smt. Geeta Sao W/o Late Sanjay Sao, Aged About 37 Years
2. Ku. Gudia D/o Late Sanjay Sao, Aged About 18 Years
3. Ku. Radha D/o Late Sanjay Sao, Aged About 15 Years
4. Ku. Preeti D/o Late Sanjay Sao, Aged About 12 Years
5. Ku. Shilpa D/o Late Sanjay Sao, Aged About 7 Years

No. 3 to 5 Minor Through Mother Smt. Geeta Sao W/o Late Sanjay Sao, Aged
About 37 Years,

all R/o- Erigation Chook Darri, Darri Khar Tah. Katghora Dist. Korba,
(Chhattisgarh),.....(Applicants)

6. Hari Shanker Sahu S/o Manharan Lal Sahu, Aged About 37 Years
Permanent R/o- Village- Kapan, District- Janjgir Champa At Present
Address Purani Basti Darri, Tahsil- Katghora, District- Korba,
(Chhattisgarh)
7. The Oriental Insurance Company Limited, Geetanjali Bhavan, Purana
Bus Stand Korba, Tahsil & District- Korba, (Chhattisgarh)

---- Respondents

For appellant : None.

ORDER**23-12-2016**

1. None for the appellant when the matter is taken up for hearing.
2. Instant MAC was dismissed on a peremptory order 14-3-2016.
Thereafter the same was restored to its original number on an
order passed in MCC No. 499/2016 dated 12-7-2016. Thereafter
again it was dismissed for want of prosecution vide order dated
21-10-2016. Thereafter it was again restored to its original
number vide order dated 30-11-2016 passed in MCC No.
881/2016. Today also, the appellant is not represented when the
matter is taken up for hearing.
3. Perused the instant MAC and I.A. No. 1/16 for condonation of
delay in filing the MAC as the same is preferred after 998 days of

its limitation.

4. In the said application it is submitted that the appellant has filed an application for review of the impugned award before the Claims Tribunal and the said Review application was rejected on 31-10-2015 and thereafter the appellant arranged the expenses and contacted counsel and filed instant appeal before this Court. The delay is unintentional and bonafide. Hence the delay may be condoned and the appeal may be admitted for hearing.
5. As per Section 173 of the Motor Vehicles Act, 1988, any person aggrieved by an order of the Claims Tribunal within 90 days from the date of award may prefer appeal to the High Court. As per provisions of Rule 240 of the CG Motor Vehicles Rules, 1994, the provisions of Order 47 of the CPC for review is not applicable. If the appellant has chosen a way which is not permissible under the law, the delay caused in filing the MAC cannot be held as bonafide. The appellant is required to explain the delay satisfactorily in filing the MAC. In the present case, instant MAC has been preferred after 998 days of its limitation. On due consideration, I.A. No. 1/16 for condonation of delay is not maintainable. Consequently, the same is dismissed. As a result, instant MAC which is barred by 998 days is also dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge