

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.428 of 2016**

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

---- Appellant

Versus

1. Thandaram Yadav S/o Kariya Yadav Aged About 70 Years
2. Charanmati W/o Thandaram Yadav Aged About 60 Years
3. Ku. Shrimati D/o Thandaram Yadav, Aged About 18 Years
Resp. 1 to 3 are R/o. Village Harethi, PS & Tah. Sakti, Distt. Janjgir-Champa (CG) -----(Claimants)
4. M/s Primenet Global Limited, Through: Prakash Industries Limited Champa, District Janjgir-Champa, Chhattisgarh, Ring Road No.2, Choubey Coloni, Riapur, Chhattisgarh (Owner)
5. Chhatram Suryawanshi S/o Gendram Suryawanshi, Aged About 33 Years R/o Mohgaon, P.S. Saragaon, Tahsil Champa, District Janjgir-Champa, Chhattisgarh(Driver)

---- Respondents

For appellant : Shri Sourabh Sharma, Advocate
For respondents : None present.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03.11.2016.**

Heard.

2. The instant appeal has been preferred after 1254 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 earlier Legal Officer who used to look after the matter has been transferred to another State

and for about eight months no appointment could be made and the post remain vacant and thereafter some other officer has been transferred to Raipur office and then the matter was sent before the authorities for necessary approval for filing the instant appeal. Hence, the delay of 1254 days in filing the appeal is bonafide on the part of the appellant, the same may be condoned and the matter may be taken up for hearing after issuance of notice to the respondents.

5. Perused the impugned award and IA No.01/16.

6. The instant appeal has been preferred after 1254 days of its limitation. The ground taken in the application is not acceptable. The concerned party has to explain day to day cause of delay satisfactorily. The appellant is an Insurance company and it was the duty of the appellant to make proper arrangement after the said transfer of any of its official and even otherwise the appellant has not filed any relevant documents regarding transfer of the legal officers and also looking to the delay of more than three years, it cannot be said that the delay is bonafide and unintentional and in good faith. 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.

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

Sd/-
(Chandra Bhushan Bajpai)
JUDGE