

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 612 of 2016**

National Insurance Company Limited Division Office - 3, Chenoe Trade Centre, Park Lane, Sikandarabad 500003, Through Branch Office 323-375 A Chenoe Trade Centre, Park Lane Sikandarabad, Hyderabad (Andhra Pradesh) 500 003.....(Insurer Of Offending Vehicle).....(Non Applicant No. 3)

---- Appellant**Versus**

1. Rakumar Hardel S/o Komal Singh Hardel, Aged About 41 Years R/o Shikaripara Balod, Tahsil And District Balod (Chhattisgarh)..... (Claimant)
2. Shri Niwas Thakur, S/o Mahasingh Thakur, Aged About 27 Years R/o Plot No. 66, Sai Nagar, Vardi, Nagpur (Maharashtra).....(Driver Of Offending Vehicle Non Applicant No. 1)
3. M/s Associates Road Carrier Limited, R/o Near 15 K. M. Stone, Amrawatim Road, Vardhman, District Nagpur (Maharashtra)..... (Owner Of Offending Vehicle) (Non Applicant No. 2)

---- Respondent

For appellant	:	Mr. Qamrul Aziz, Adv.
For Respondent No. 1 & 3 :	:	None though represented.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22/12/2016**

1. Heard on I.A. No. 5/16 under Order 41 Rule 14 sub-rule (4) of the CPC for dispensing with service to R-2 as he was exparte during trial before the concerned Tribunal as per para 2 of the impugned award.
2. On due consideration, I.A. No. 5/16 is allowed. Appellant is dispensed with the service to R-2 as he was exparte before the Tribunal.
3. Also heard on I.A. No. 1/16 for condonation of delay in filing the instant appeal as the same has been preferred after 171 days of its limitation.
4. Learned counsel for the appellant would submit that delay is not deliberate, the same is bonafide due to legal formalities adopted

by the company after passing the award. Hence delay may be condoned and the appeal may be admitted for hearing.

5. Perused the impugned award dated 21-7-2015.
6. The appellant is Insurance Company. Limitation is applicable for appellant also. The appellant is required to explain the delay satisfactorily in filing the appeal. On the basis of mere submission that on account of formalities the appeal has been preferred with delay, the same cannot be held as satisfactory cause for delay.
7. On due consideration, I.A. No. 1/16 is dismissed as not maintainable. Consequently, MAC is also dismissed as barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge