

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1281 of 2016**

- Shriram General Insurance Company Limited 4th Floor, Maruti Heights, Beside Sky Automobiles, G. E. Road, Raipur, Chhattisgarh..(Insurer Of Truck Of 06 M / 0195).)

---- Appellant**Versus**

1. Smt. Puniya Bai Yadav W/o Late Kachruram Yadav, Aged About 38 Years R/o- Village- Pahanda, Post- Murka, P.S. And Tahsil - Arang, District- Raipur, (Chhattisgarh), Present Address, Ward No. 25, Mahasamund, Thana, Tahsil And District- Mahasamund, (Chhattisgarh).
2. Tijau Ram Yadav, S/o Late Suklal Yadav, Aged About 65 Years R/o- Village- Pahanda, Post- Murka, P.S. And Tahsil - Arang, District- Raipur, (Chhattisgarh), Present Address, Ward No. 25, Mahasamund, Thana, Tahsil And District- Mahasamund, (Chhattisgarh).
3. Ku. Khomin Yadav, D/o Late Kachruram Yadav, Aged About 20 Years R/o- Village- Pahanda, Post- Murka, P.S. And Tahsil - Arang, District- Raipur, (Chhattisgarh), Present Address, Ward No. 25, Mahasamund, Thana, Tahsil And District- Mahasamund, (Chhattisgarh).
4. Toshram Yadav, S/o Late Kachruram Yadav, Aged About 18 Years R/o- Village- Pahanda, Post- Murka, P.S. And Tahsil - Arang, District- Raipur, (Chhattisgarh), Present Address, Ward No. 25, Mahasamund, Thana, Tahsil And District- Mahasamund, (Chhattisgarh).
5. Ku. Daneshwari Yadav, D/o Late Kachruram Yadav, Aged About 17 Years Minor Under The Guardianship Of Mother Smt. Puniyabai Yadav, R/o- Village- Pahanda, Post- Murka, P.S. And Tahsil - Arang, District- Raipur, (Chhattisgarh), Present Address, Ward No. 25, Mahasamund, Thana, Tahsil And District- Mahasamund, (Chhattisgarh).
6. Donesh Kumar Yadav, S/o Late Kachruram Yadav, Aged About 12 Years Minor Under The Guardianship Of Mother Smt. Puniyabai Yadav, R/o- Village- Pahanda, Post- Murka, P.S. And Tahsil - Arang, District- Raipur, (Chhattisgarh), Present Address, Ward No. 25, Mahasamund, Thana, Tahsil And District- Mahasamund, (Chhattisgarh),.....(Claimants).
7. Narendra Kumar Sahu, S/o Lalji Sahu, Aged About 38 Years R/o- Sitla Para, Behind Durga Temple, Mandir Hasaud, P.S. And Tahsil- Mandir Hasaud, District- Raipur, (Chhattisgarh),.....(Driver Truck No. C.G. 06 M / 0195).
8. Vijay Kumar Sahu, S/o Late Goverdhan Sahu, Aged About 45 Years R/o- Subash Nagar Mahasamund, Thana, Tahsil And District- Mahasamund, (Chhattisgarh),.....(Owner Truck No. C.G. 06 M / 0195).

---- Respondents

For appellant : Shri Sachin Singh Rajput, Advocate
Notice issued to respondents 1 to 6 through ordinary mode sent for service for District Raipur as their permanent address is mentioned in the cause title
None for respondent No.8 though served.
Notice issued to respondent No.7 returned unserved as the address is incomplete.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

14.12.2016

Heard.

2. The instant appeal has been preferred after 169 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 head office of the appellant Insurance Company is at Jaipur and a copy of the award was sent to the head office and thereafter further legal opinion was taken and the counsel for the appellant company decided to file the appeal. In the meantime, various changes took place in the appellant Company and the concerned file was kept with some other file and after due efforts, file was traced, appeal memo was prepared, hence, the delay is not intentional, same is bonafide, hence, the delay may be condoned and the appeal may be heard on its merits.

5. The appellant is an insurance company, it has filed the appeal after 169 days of its limitation. The appellant has to explain the

cause for delay satisfactorily. The appellant has failed to demonstrate the reasons satisfactorily.

6. On due consideration, the reasons mentioned in the application, the ground for delay of 169 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.

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

Sd/-
(Chandra Bhushan Bajpai)
JUDGE