

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.641 of 2014

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M/s T.S. Roadways Pvt. Ltd., 56, Nanak Palace Pipliya Rao, Indore through Ajeet Singh, S/O Late Gurucharan Singh of 347, Agra Maiston, Agra- Bombay Highways, P.S. Ruthiyal, Dist.- Guna, Madhya Pradesh, presently residing at T.S. Roadways, Vill.+Post- Oraina, P.S.- Muffashil, Dist.- Nawada.

.... Appellant/s

Versus

1. Rajni Devi, W/O Chhotelal Thakur
2. Chhotelal Thakur S/O Late Mishri Thakur Both resident of Village Orhanpur, P.S.- Muffasil, Dist.- Nawada.
3. Sanotsh Kumar Singh S/O Gopal Singh Resident of Village Meerganj, Dist.- Gopalganj, presently residing at Rampur Noor Nagar, P.S.- Jalalpur, Dist.- Saran.
4. Branch Manager, National Insurance Company Ltd., Nawadah Branch, Rajendra Nagar, Nawadah, P.S.+ Dist.- Nawadah.
5. National Insurance Company Ltd., Division-XV, National Insurance Building, 8 India Exchange Place, 1st Floor, Kolkata-700001

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amit Kumar, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 04-08-2017

Challenging an *ex parte* Award passed and contending

that the appellant owner of the vehicle has not been heard, this appeal has been filed.

Apart from the fact that no cogent reason and justification for the action that the owner was not heard by the Tribunal is sought for, the order is only to pay and recover and when a recovery proceedings is held by the Insurance Company, appellant may have right to oppose the same in accordance with law. That apart, there is inordinate and unexplained delay of more than 2 years



and, therefore, I am not inclined to condone the delay as the appellant has only stated that he was not aware of the Award. The delay of more than 720 days has not been properly explained.

In view of the above, finding no case made out for any indulgence, the appeal is dismissed.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.08.2017
Transmission Date	

