

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.1247 of 2016**

- Shri Ram General Insurance Co. Ltd. Issue Office 10003, Address- E- 8EPIP, RIICO Industrial Area Sitapura, Jaipur-302022 (Rajasthan) Through Branch Manager Office, Shri Ram General Insurance Company Ltd Maruti Heights Fourth Floor, R.K. Mall Beside Amanaka Raipur, (Chhattisgarh) 492009,..... (Insurer Of Trola Cg. 12/s/1248).

---- Appellant**Versus**

1. Ramayan Lal Sonwani S/o Late Shri Anandram Sonwani, Aged About 41 Years Cast- Satnami, R/o- Quarter 8 / B, Road 14, Sector- 4, Bhilai, District- Durg, (Chhattisgarh),.....(Claimant).
2. Bedram @ Bedu Berman, S/o Kausal Prasad Barmen, Aged About 25 Years R/o- Gram Mungadeh, Thana- Pali, Tahsil & District- Korba, (Chhattisgarh), Through- Shrirekha Agarwal, M.I.G. 1/2 Transport Nagar Korba, (Chhattisgarh),.....(Driver Of Trola C.G. 12/s/1248).
3. Smt Rekha Agarwal, W/o Surendra Agarwal, Caste- Agarwal, R/o- Quarter No. M.I.G. 1/2 Transport Nagar Korba, (Chhattisgarh),.....(Owner Of Trola C.G. 12/s/1248).

---- Respondents

For appellant	: Shri Deepak Gupta, Advocate
For respondent No.1	: Shri Krishna Kumar Dewangan, Advocate
For respondents 2 & 3	: Shri Surya Kant Mishra, Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.01.2017**

Heard.

2. The instant application has been preferred after 170 days of its limitation.
3. Heard on IA No.01/16 for condonation of delay in filing the appeal.
4. Learned counsel for the appellant submits that after passing of the award, the appellant/Company obtained certified copy of

the award supplied by the Tribunal and send the same to the Head Office, Jaipur. The appellant/company on advice of their counsel processed the file and decided to file the appeal since it involves material question of law and fact and after its approval the appellant Head Office Jaipur send the file to its Raipur Office for filing the appeal and in turn the Bilaspur office forwarded the file to their counsel for filing the appeal. Thereafter the counsel has filed the appeal, delay is unintentional, bonafide and the same may be condoned and the appeal may be admitted for hearing.

5. A perusal of the copy of the award dated 23.12.2015, it appears that this is the copy of the award given to the appellant by the concerned Tribunal under the provisions of Section 168(2) of the Motor Vehicles Act, 1988. The appellant was represented through his counsel. Limitation under Section 173(1) of the Motor Vehicles Act, provides 90 days time to file appeal before this Court by the person aggrieved by award of the Claims Tribunal.

6. As an institution and with proper legal assistance it shall be the duty of the appellant/company to prefer an appeal within its limitation. Whatever causes for the delay mentioned in the IA No.01/16 are not held as satisfactory. The appellant/Company was required to remain more cautious in filing the appeal.

7. On due consideration, as the appellant has not satisfactorily explained the delay of 117 days, IA No.01/16 is dismissed.

8. As a consequence, the appeal is also dismissed as time barred.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

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