

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1517 of 2016**

- Vinay Kumar Bajpai S/o Sh. Ram Kumar Bajpai, Aged About 36 Years R/o Village Malibadi Ratanpur, Tahsil Ratanpur Kota, District Bilaspur, Chhattisgarh(Claimant)

---- Appellant**Versus**

1. Sagar Chand Mashri S/o Late Sh. Prem Mashri, Aged About 29 Years R/o Panchshil Nagar, Raipur, P.S. Civil Line, Distt. Raipur, Chhattisgarh(Driver Of Innova No. C.G.04-H-9588)
2. Rajendra Singh Basin R/o Basin Auto Mobile, Near Anand Cinema Mahudapara Raipur, Tahsil & District Raipur, Chhattisgarh (Owner Of Innova No. C.G.04-H-9588)
3. Oriental Insurance Company Limited, Through Branch Manager, Oriental Insurance Company Ltd. Raipur, Tahsil & Distt. Raipur, Chhattisgarh(Insurer Of Innova No. C.G.04-H-9588)

---- Respondents

For Appellant	:	Shri Suresh Kumar Verma, Advocate
For Respondent 2	:	Shri Pallav Mishra, Advocate

Notice issued to respondent 1 returned unserved.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

27/01/2017

1. Heard on I.A.No.2/2017 under Order 41 Rule 14(4) C.P.C. to dispense with the service to respondent 1 as he remained ex parte during trial.
2. On due consideration, I.A.No.2/2017 is allowed. The appellant is exempted to serve with notice to respondent 1 as he was ex parte during trial.
3. Also heard on I.A.No.1/2016 for condonation of delay in filing the appeal as it is barred by 123 days.
4. Learned counsel for the appellant would submit that as the appellant was suffering from pain physically and mentally and he was inadvertently went out of

station for some time on a religious place, with this the said delay is occurred, the same is unintentional and bonafide, therefore, the same may be condoned and the MAC may be heard on its merits.

5. Perused the award dated 8.4.2016. It appears that this is the copy of the award given to the appellant/claimant under the provisions of Section 168 (2) of the Motor Vehicles Act. The appellant is required to submit reasons for delay in satisfactory manner. Simply by submitting that he was suffering from pain physically and mentally and he was out for some time cannot be held as satisfactory reason for the delay. Consequently, I.A.No.1/2016 is dismissed as not maintainable.

6. Accordingly, the MAC is also dismissed as barred by limitation by 123 days.

Sd/

(Chandra Bhushan Bajpai)
Judge