

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1648 of 2016

- Bharti A X A General Insurance Company Limited Through Its Legal Manager, Branch Office At Devendra Nagar, Raipur, District Raipur, Chhattisgarh(Non Applicant No.2)

---- Appellant

Versus

1. Smt. Usha Devi W/o Late Shri Santosh Pal, Aged About 26 Years R/o Village Sagma, Post Katharkalan, Thana Dhurki, Anumandal Nagar, Utari, District Gadhwah, Jharkhand(Claimant No.1)
2. Vishal Kumar Pal S/o Late Shri Santosh Kumar Pal, Aged About 4 Years Minor Represented Through Natural Guardian Mother Smt. Usha Devi, Respondent No.1, R/o Village Sagma, Post Katharkalan, Thana Dhurki, Anumandal Nagar, Utari, District Gadhwah, Jharkhand (Claimant No.2)
3. Ku. Shivani D/o Late Shri Santosh Pal, Aged About 2 Years Minor Represented Through Natural Guardian Mother Smt. Usha Devi, Respondent No.1, R/o Village Sagma, Post Katharkalan, Thana Dhurki, Anumandal Nagar, Utari, District Gadhwah, Jharkhand (Claimant No.3)
4. Siyampal S/o Late Shri Santosh Pal, Aged About 9 Months, Minor Represented Through Natural Guardian Mother Smt. Usha Devi, Respondent No.1, R/o Village Sagma, Post Katharkalan, Thana Dhurki, Anumandal Nagar, Utari, District Gadhwah, Jharkhand (Claimant No.4)
5. Ramjatan Pal S/o Late Shri Jagdish Pal, Aged About 58 Years R/o Village Sagma, Post Katharkalan, Thana Dhurki, Anumandal Nagar, Utari, District Gadhwah, Jharkhand(Claimant No.5)
6. Smt. Samundari Devi W/o Shri Ramjatan Pal, Aged About 55 Years R/o Village Sagma, Post Katharkalan, Thana Dhurki, Anumandal Nagar, Utari, District Gadhwah, Jharkhand(Claimant No.6)
7. Manoj Kumar Mehta S/o Shri Tapeswar Mehta, Aged About 38 Years R/o Nagwa, Post Bariyat, Thana Hazaribaag, Jharkhand(Non Applicant No.1)

---- Respondents

For Appellant : Shri P. Acharya on behalf of Shri Amrito Das,
Advocate
For Respondent No.1 to 6 : Shri A.N. Pandey, Advocate
Notice issued to respondent 7 through usual mode is awaited.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

23/01/2017

1. Heard on I.A.No.1/2016 for condonation of delay in filing the instant MAC as the same is barred by 392 days.
2. Learned counsel for the appellant would submit that the delay is unintentional and bonafide. The Regional Office of the Company has taken decision after examining the matter for filing the instant appeal and thereafter, the file came. After completion of the formalities, the appeal has been preferred, hence, as the question of law involves in the matter, the appeal may be admitted and heard on its merits.
3. Perused the award dated 7.8.2015. It shows that this is the copy of the award given to the appellant under the relevant provisions of Section 168 (2) of the Motor Vehicles Act.
4. The instant appeal has been preferred after 392 days of its limitation. Appellant is the insurance company duly represented before the Tribunal and was many opportunities to comply with the Limitation Law for filing the instant MAC within its limitation.
5. For the reasons mentioned in I.A.No.1/2016, this Court is of the opinion that the appellant has not satisfactorily explained the delay of 392 days, hence, I.A.No.1/2016 is hereby dismissed.
6. Consequently, the MAC is also dismissed as barred by 392 days.

Sd/

(Chandra Bhushan Bajpai)
Judge