

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Appeal (C) No.728 of 2016**

- Shriram General Insurance Company Limited Headquarter E- 8, EPIP, RIICO Industrial Area, Sitapura, Jaipur (Rajasthan).....(Insurer Of Tata Mini Truck No. C. G. Z B / 2113)

---- Appellant**Versus**

1. Smt. Basanti W/o Late Ajay Kumar Tirkey, Aged About 36 Years W/o Late Ajay Kumar Tirkey, Caste Uraon, R/o Village Tetartoli, Tahsil And District Jashpur (Chhattisgarh)
2. Smt. Albina, W/o Piyus Uraon, Aged About 53 Years R/o Village Kardana, Tahsil And District Jashpur (Chhattisgarh).....(Claimants)
3. Abhay Kumar Gupta, S/o Late Moli Sao, Aged About 36 Years R/o Purani Toli, Jashpur Nagar, District Jashpur (Chhattisgarh).....(Owner Of Tata Mini Truck No. C G 04 Z B 2113)
4. Vikram Toppo, S/o Ilias Toppo, Aged About 24 Years Caste Uraon, Occupation Driver, Village Pandripani (Gamharia) Tahsil And District Jashpur (Chhattisgarh).....(Driver Of Tata Mini Truck No. C G 04 Z B 2113)
5. Satyanarayan Prasad Soni, S/o Late Jagdish Prasad Soni, Aged About 54 Years Caste Sunar, R/o Baniatoli, Jashpur Nagar, Tahsil And District Jashpur (Chhattisgarh).....(Owner Of Tractor No. C G 14 A / 1412)
6. Suraj Ram S/o Kedar Ram, Aged About 21 Years Caste Kumhar, R/o Village Fatehpur, Tahsil And District Jashpur (Chhattisgarh) (Driver Of Tractor No. C G 14 A 1412)

---- Respondents

For appellant : Shri Sangeet Kr. Kushwaha, Advocate on behalf of Shri SS Rajput, Advocate.
 For respondents 3 & 4 : Shri JK Saxena, Advocate
 None for respondents 1, 2, 5 & 6 though served.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****25.01.2017**

Heard.

2. The instant application has been preferred after 309 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 receipt of the copy of the award, the same was sent to the Head Office at Jaipur, thereafter the company had taken legal opinion and decided to file appeal before this Court and then only the matter is processed for filing the appeal. With this delay of 309 days has been occurred, the same is unintentional and bonafide, hence, the delay may be condoned and looking to the ground taken by the appellant before the court below, the appeal requires hearing, hence, the appeal may be heard on its merits.

5. Perused award dated 27.3.2015 annexed with the appeal. A perusal of the copy of the award, it appears that this is the copy of the award given to the appellant as per the provisions of Section 168(2) of the Motor Vehicles Act, 1988.

6. The appellant is the Insurance Company and it was well represented before the Court below and also the said Insurance Company is duly assisted by legal advisors, who are aware of the limitation in the matter, hence they were required to file the appeal within its limitation.

7. On due consideration, as the appellant failed to demonstrate satisfactory cause for the delay and on the basis of said procedural in house formalities, the same cannot be held as satisfactory to condone the delay. Hence, IA No.01/16 is dismissed.

8. As a consequence, the appeal too is dismissed as barred by limitation.

**Sd/-
(Chandra Bhushan Bajpai)
JUDGE**

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