

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1427 of 2016

1. Shri Ram General Insurance Co. Ltd. Issue office 10003, Address- E-8 EPIP, RIICO Industrial Area Sitapura, Jaipur- 302022 (Rajasthan) Through Shri Branch Manager Office, Shri Ram General Insurance Company Ltd. Maruti Heights Fourth Floor, R.K.Mall in beside Amanaka Raipur, Chhattisgarh 492009(Insurer of Trola C.G.12/S/1248)

---- Appellant

Versus

1. Ramayan Lal Sonwani S/o Late Shri Anandram Sonwani, aged 41 years, Caste Satnami, R/o Quarter 8/B, Road 14, Sector 4, Bhilai Distt. Durg, Chhattisgarh
2. Smt. Rama Sonwani W/o Ramayan Lal Sonwani, aged 36 years, Caste Satnami, R/o Quarter 8/B, Road 14, Sector 4, Bhilai Distt. Durg, Chhattisgarh(Claimants)
3. Bednam @ Bedu Berman S/o Kausal Prasad Barmen, aged 25 years, Resident- (1) Gram Mungadeh, Thana Pali Tahsil & Distt Korba, Chhattisgarh (2) Through- Shri Rekha Agarwal, M.I.G.1/2 Transport Nagar Korba, Chhattisgarh(Driver of Trola C.G.12/S/1248)
4. Smt. Rekha Agrawal 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 Respondents 1 and 2 – Shri Krishna Kumar Dewangan, Advocate.

For Respondents 3 and 4 – None, Notice issued through usual mode returned unserved due to wrong address.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

20-01-2017

1. Heard on I.A.No.1/2016 for condonation of delay in filing the instant MAC as the instant MAC has been preferred after 165 days of its limitation.
2. Learned counsel for the appellant submits that the appellant had received certified copy of the award supplied by the Tribunal and same was sent to Jaipur head office and thereafter after policy decision and the in-house permission and approval the file returned to the Bilaspur office via Raipur office hence, there was delay of 165 days, the same is unintentional and bonafide, therefore, the delay may be condoned and the appeal may be admitted for

hearing.

3. Perused the award dated 23-12-2015 which is a certified copy supplied by the office of the District Judge Durg under the seal and signature of Head Copyist. There is no disclosure of facts presently where is copy given to the appellant under Section 168(2) of the Motor Vehicles Act. The appellant is insurance company having sufficient legal support regarding the limitation prescribed in the matter. It is expected from the appellant company to remain cautious and to file MAC within its limitation.

4. On due consideration, as the appellant failed to satisfy the delay of 165 days in filing the instant MAC, I.A.No.1/2016 is hereby dismissed. The MAC is also dismissed as barred by limitation by 165 days.

5. MAC dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE