

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1584 of 2016**

- Cholamandlum M S General Insurance Company Limited Office At 1st Floor, Rajiv Plaza, Bilaspur Distt. Bilaspur, Chhattisgarh, At Present- In Front Of L.I.C. Building, 2nd Floor, Simran Tower, Raipur, Police Station Pandri, Civil & Revenue District Raipur, Chhattisgarh(Insurer Of Vehicle No. C.G.15-B-7528)

---- Appellant**Versus**

1. Ratu Singh S/o Shri Jalkeshwar Singh, Aged About 42 Years R/o Khairwar, Ramanujanj, Ward No.1, Police Station And Tahsil Ramanujanj Distt. Balrampur, Chhattisgarh
2. Smt. Bindi Singh W/o Ratu Singh, Aged About 39 Years R/o Khairwar, Ramanujanj, Ward No.1, Police Station And Tahsil Ramanujanj Distt. Balrampur, Chhattisgarh(Claimants)
3. Harshvardhan Singh Thakur S/o Shri H.S.Thakur, Profession- Harsh Bore-Well (Harsh Transport), R/o Mangla Chowck, Tahsil Bilaspur, Distt. Bilaspur, Chhattisgarh(Owner Of Truck No. A P-13-5104)
4. Baisakhuram Urf Chhunnu S/o Somaruram Urf Rainuram, Profession- Vehicle Driver, R/o Village And Post Lachodapara, Mirchipara, Police Station Kondagaon, Distt. Bastar, Chhattisgarh(Driver Of Truck No. A P-13-5104)
5. Branch Manager, Reliance General Insurance Co. Ltd. Bhopal, Registered Office- Reliance General Insurance Co.Ltd. 99, Reliance Center Walchand- Hirachand Marg Ballard Estate Mumbai- At Present- 5th Floor, National Corporate Park, G.E.Road, Raipur, Chhattisgarh(Insurer Of Truck No. A P-13-5104)
6. Rakesh Kumar Gupta S/o Bharat Prasad Gupta, Vehicle Owner Tata Magic, R/o Main Market, Ramanujanj, Police Station Ramanujanj, Tahsil Pal, Distt. Balrampur, Chhattisgarh(Owner Of Vehicle No. C.G.15-B-7528)

---- Respondents

For Appellant : Shri Shokie Yadav, Advocate
 For Respondent 3 : Shri Tarkeshwar Nande, Advocate
 None for respondents 1, 2, 4 & 6 though served as per office note.
 Notice issued to respondent 3 through usual mode returned unserved. No application has been filed under Order 41, Rule 14 (4) CPC to dispense with service on respondent 3 as submitted on 6.2.2017.
 None for respondent 5 though represented.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

01/03/2017

1. Heard on I.A.No.1/2016 for condonation of delay in filing the MAC has been preferred after 185 days of its limitation.

2. Learned counsel for the appellant would submit that after the award dated 16.2.2016, counsel for the appellant received the copy of the award and send it to the appellant -company at Raigarh and thereafter the copy of the award was sent to the head office of the appellant-company and the appellant company seeks legal opinion regarding filing of the appeal from the local counsel and the counsel of the High Court. Thereafter, the copy and other relevant papers were sent to the counsel at Bilaspur for filing the instant MAC, therefore, the delay occurred. On account of procedural formalities within the appellant-company, the delay has been occurred, hence, the same may be condoned and the appeal may be admitted for hearing.

3. Perused the award dated 16.2.2016.

4. It appears that the said copy of the award is a copy issued under the seal and signature of the Head Copyist office of the District and Sessions Judge, Ambikapur at Sarguja. There is no disclosure of the fact that where is the copy given to the appellant through their counsel under the provisions of Section 168 (2) of the Motor Vehicles Act goes to show that this is the copy obtained in addition to the said copy of the award given to the appellant. Also the appellant has to satisfy the delay occurred in filing the appeal. Limitation already exists. The appellant-company was duly represented before the trial Court and also before this Court. The time spent for in-house permission to sue the appeal cannot be held as satisfactory reason for condonation of delay. The insurance company is required to file the MAC well within limitation. They must develop some in-house mechanism so as to prefer the appeal within its limitation. In the

considered view of this Court, as the appellant has not satisfactorily explained the delay of 185 days in filing the appeal I.A.No.1/2016 is dismissed as not maintainable.

5. Consequently, the MAC is also dismissed as barred by 185 days of its limitation.

Sd/

(Chandra Bhushan Bajpai)
Judge