

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MAC No. 1684 of 2016

1. ICICI Lombard General Insurance Co. Ltd Through its Branch Manager, Vanijaya Bhawan, Devendra Nagar Tiraha, Jail Road, Raipur, District Raipur, Chhattisgarh(Respondent No.3)

---- Appellant

Versus

1. Devendra Agrawal S/o Shri Kanhaiya Agrawal, aged about 54 years, R/o Village Pithora, Thana Pithora, District Mahasamund, Chhattisgarh(Claimant No.1)
2. Smt. Sakuntala Agrawal W/o Shri Devendra Agrawal, aged about 49 years, R/o Village Pithora, Thana Pithora, District Mahasamund, Chhattisgarh(Claimant No.2)
3. Ku. Nisha Agrawal D/o Shri Devendra Agrawal, aged about 21 years, R/o Village Pithora, Thana Pithora, District Mahasamund, Chhattisgarh(Claimant No.3)
4. Manish Agrawal S/o Shri Devendra Agrawal, aged about 19 years, R/o Village Pithora, Thana Pithora, District Mahasamund, Chhattisgarh(Claimant No.4)
5. Smt. Kumari Bai W/o Chandu Nishad, R/o Village Ratakaat, Post Office Paragaon, Thana and Tehsil Aarang, District Raipur, Chhattisgarh(Non-Applicant No.1)
6. Dhaneshwar Saheb Gupta S/o Jawahar Saheb Gupta, R/o Village Main Road, Kargi Road, Kota, Thana and Tehsil Kota, District Bilaspur, Chhattisgarh(Non-Applicant No.2) (Owner)

---- Respondents

For Appellant – Shri Amrito Das, Advocate.

For Respondents 1 to 4 – Shri Sunil Sahu, Advocate.

For Respondent No.5 – None, though served, as per office note.

For Respondent No.6 – Shri Pawan Kesharwani, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

14-02-2017

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 190 days of its limitation.
2. It is submitted on behalf of the appellant that after the impugned award, the decision had to be taken from the Regional Officer at Bhopal for filing the instant appeal. The certified copy of the award could reach at the office at Bhopal only in the month on September, 2016 and on account of intervening

holidays for the festivals, decision of preferring a appeal could not be taken immediately and after the decision was taken on November, 2016, the steps were taken to deposit the mandatory amount and the appeal was prepared and filed before the Court. Hence, the delay is unintentional and bonafide, therefore, the same may be condoned and the matter may admitted for consideration.

3. Perused the award dated 03-03-2016. This is true copy of the award given to the appellant under Section 168(2) of the Motor Vehicles Act, 1988. The appellant was required to satisfy the delay in filing the instant MAC. The award is dated 03-03-2016 and as per submission, copy of said award, i.e., Annexure A/1 could reach to the regional office at Bhopal in the month of September, 2016. There is no any disclosure of fact as to why the said delay occurred.

4. On due consideration, as the appellant has not explained the delay satisfactorily in filing the instant MAC and the MAC has been preferred after 190 days of its limitation, I. A. No.1/2016 is hereby dismissed as not maintainable.

5. The MAC is also dismissed being barred by limitation by 190 days.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE