

HIGH COURT OF CHHATTISGARH AT BILASPURMCC No. 170 of 2018

Ram Ratan Banjare S/o Late Sadhelal Banjare, Aged About 50 Years,
R/o M.I.G. 23/18, Jawahar Nagar, Ward-12, Bhilai, District Durg,
Chhattisgarh (Owner Of Vehicle Truck C.G.07-C-7851).

---Appellant

Versus

1. Jainuram Sori S/o Late Mitturam, Aged About 60 Years.
2. Kumari Holika Sori D/o Jainuram Sori, Aged About 20 Years.
Both are R/o Village Siganpur (Kumharpara), Police Station Keshkal,
District Kondagaon, Chhattisgarh.
3. United India Insurance Company Ltd. Through Its Branch Manager,
Tara Complex, G.E.Road, Power House, Bhilai, District Durg,
Chhattisgarh (Insurance Company Of Vehicle Truck C.G.07-C-7851).
4. Surendra Yadav S/o Late Tuloram, Aged About 28 Years, R/o A.C.C.
Jamul (Near Gangaram Shop) Police Station Jamul, District Durg,
Chhattisgarh (Driver Of Vehicle Truck C.G.07-C-7851).

---Respondents

For petitioner : Shri Tarun Dansena on behalf of Shri Jitendra
Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16/03/2018

1. The present MCC has been filed for restoration of MAC No.1355/2017
which got dismissed vide peremptory order dated 11/10/2017. The
peremptory order passed by this Court was granting the liberty to the
petitioner for depositing the minimum amount required for preferring an
appeal under Section 173 of the Motor Vehicles Act. The time granted was 3
weeks' time failing which the MAC would stand dismissed.

2. It appears that the appellant have not complied with the order. The only ground for non-compliance appears to have been that he was not aware of the peremptory order passed by this Court. No submission have been made by the petitioner as to why the appellant could not deposit the amount which was otherwise required while filing of an appeal within the period of 3 weeks'.

3. Under the circumstances, since the appeal itself was not maintainable without compliance of mandatory requirement as is required under Section 173 of the Motor Vehicles Act and even after the extended time of 3 weeks' granted by this Court, the appellant fails to comply with the order the MAC rightly stood rejected.

4. Thus, this Court does not find any strong case made out by the counsel for the appellant for recalling of the order passed on 11/10/2017.

5. The MCC thus fails and is accordingly rejected.

6. However, the reluctance of this Court in entertaining the present MCC does not preclude the applicant from preferring a fresh appeal after due compliance of the mandatory provision under Section 173 of Motor Vehicles Act as the earlier appeal i.e. MAC No.1355/2017 was not dismissed on merits.

Sd/-

(P. Sam Koshy)
JUDGE