

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Appeal (C) No. 96 of 2018**

Branch Manager, Future Generali India Insurance Company Ltd., II Floor,
Maruti Business Park, GE Road, Raipur (CG) (Insurer of vehicle No. CG-
05-X-6790)

---- Appellant**Versus**

1. Smt. Bedbati Markam Wd/o Late Mohan Markam, aged about 26 years, R/o Village Lanjoda, Tahsil Farasgoan, Distt. Kondagaon (CG)
2. Minor Ku. Dimpal D/o Late Mohan Markam, aged about 5 years, minor and hence representing through her mother Smt. Bedbati Markam, R/o Village Lanjoda, Tahsil Farasgoan, Distt. Kondagaon (CG)
3. Minor Ku. Chandni D/o Late Mohan Markam, aged about 2 years, minor and hence representing through her mother Smt. Bedbati Markam, R/o Village Lanjoda, Tahsil Farasgoan, Distt. Kondagaon (CG)
4. Baisakhu Ram Markam S/o Late Mangan Markam, aged about 55 years, R/o Village Lanjoda, Tahsil, Farasgoan, Distt. Kondagaon (CG)
5. Smt. Chaiti Bai W/o Shri Baisakhu Ram, aged about 50 years, R/o Village Lanjoda, Tah. Farasgaon, Distt. Kondagaon (CG) (Claimants)
6. Ashish Dewangan S/o Ramesh Dewangan, aged about 25 years, R/o Dantewada, Distt. Dantewada (CG) (Driver of vehicle No. CG-05-X-6790)
7. Ramesh Kumar Dewangan S/o Late Rikhiram Dewangan, aged about 51 years, R/o House No. 54, Shitlapara Ward, Dhamtari (CG)

---- Respondents

For Appellant : Shri Rohitashva Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01/02/2018**

Heard on I.A. No. 01/2017 which is an application for condonation of delay in filing the appeal.

2. The present appeal has been filed by the Insurance Company assailing the award dated 07.01.2017 passed by the Motor Accident Claims Tribunal, Kondagaon (CG) in Claim Case No. 05/2016.
3. The appeal was filed before this Court on 20.12.2017 with a huge unexplained delay of 257 days.

4. Perusal of I.A. No.01, application for condonation of delay reveals that it is as bald an application as it can be. No date whatsoever has been reflected in the said application giving justification for the huge unexplained delay caused. It also does not explain each day's delay caused on the part of the Insurance Company in filing of the appeal. There is only a lame excuse of the regional office situating at Bhubaneshwar (which too is not very far) and the counsel for the appellant being out of station without any specific details of the period of his being out of station, no other explanation has been provided by the Insurance Company seeking for condonation of delay.

5. Once an order has been passed which is in full knowledge and notice of the appellant, it is expected that they would take all necessary steps for preferring an appeal, if at all, if they intend to challenge the same within a reasonable period. The Act provides for a specific period of limitation. The Act also empowers the Court to condone the delay in case justifiable and reasonable explanation is provided for the delay caused.

6. In the instant case, a perusal of the application would show that no justifiable, reasonable or any plausible satisfactory explanation has been provided by the Insurance Company to condone the delay. It is an application which has been filed in a very casual manner with no seriousness at all as if the Insurance Company thought that the condonation of delay is a matter of right.

7. Thus, this Court does not find this application to be satisfactory. Accordingly, I.A No.01 seeking condonation of delay in filing the appeal stands rejected. As a consequence, the appeal also stands dismissed.

Sd/-
(P. Sam Koshy)
JUDGE