

HIGH COURT OF CHHATTISGARH AT BILASPURMCC No. 892 of 2018

ICICI Lombard General Insurance Company Limited, Through its Legal Manager, Vanijya Bhawan, First Floor, Devendra Nagar, District Raipur (C.G.).

---Applicant

Versus

1. Shashi Shukla S/o Shri Damodar Shukla, aged about 56 years, R/o Dhobhipara, Champa, Tehsil Champa, District Janjgir-Champa (C.G.).
2. Bajrang Agrawal S/o Shri Gendlal Agrawal, R/o Sadar Bazaar, Champa, Thana & Tehsil Champa, District Janjgri-Champa (C.G.).

---Respondents

For applicant	:	Shri Amrito Das, Advocate.
For State	:	Ms.Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2018

1. Heard on I.A. No.1 of 2018, which is an application for condonation of delay in filing the present appeal.
2. On due consideration of the reasons assigned in the I.A. No. 1 of 2018 and finding them to be satisfactory, the same is allowed and the delay of 295 days occurred in the filing of the present MCC is condoned.
3. The present MCC has been filed by the Applicant seeking restoration of M.A.(C) No. 1487 of 2017 which got dismissed by a peremptory order passed by this Court on 11.12.2017.

4. The default in the said M.A.(C) No. 1487 of 2017 was that of nondeposit of monetary amount which is required while filing an appeal under Section 173 of the Motor Vehicles Act.
5. Since there was a default in the deposit of the said amount in spite of time being granted, the said appeal got dismissed. Once the appeal stands dismissed as not maintainable by way of an MCC, the appeal cannot get restored. The dismissal of the earlier appeal would not come in the way of the Applicant filing a duly constituted fresh appeal with the receipt enclosed along with the appeal.
6. With the aforesaid observation, the MCC stands dismissed.
7. However, it is made clear that subject to the Applicant providing a photocopy of the impugned order in the original appeal i.e. M.A.(C) No. 1487 of 2017, the certified copy of the same shall be returned back to them.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit