

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCC No. 117 of 2019**

Mansingh S/o Beer Singh Nishad Aged About 28 Years R/o Village Bafra Post Madola, Police Station And Tehsil Khairagarh District Rajnandgaon Chhattisgarh.

**---- Petitioner**

**Versus**

1. Balkaran Yadav S/o Mehatar Ram Aged About 35 Years R/o Village Masul Post Patewa Police Station Bhumka District Rajnandgaon Chhattisgarh.
2. Branch Manager The Oriental Insurance Company Limited Station Road Rajnandgaon Tahsil Rajnandgaon ,district Rajnandgaon Chhattisgarh.

**---Respondents**

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| For Petitioner | : | Mr. Ashok Patil, Advocate |
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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**13/02/2019**

1. The present MCC has been filed seeking restoration of MAC No. 1327/2017, which stood dismissed by virtue of the peremptory order passed by this Court on 27.09.2017.
2. The MAC which stood dismissed was an appeal under Section 173 of the Motor Vehicles Act. The appeal was an owner's appeal. The order passed by this Court on 27.09.2017 in the original appeal was granting two weeks' time for the appellant for depositing the statutory amount required while filing of the appeal.
3. Though the order was passed on 27.09.2017, till date the said amount has not been deposited by the applicant/appellant. The counsel for the applicant today submits that subject to this Court allowing the present MCC, the applicant shall deposit the amount within the time further granted by this Court.

4. This Court is of the opinion that under Section 173 of the Motor Vehicles Act, it is the statutory requirement of the appellant depositing certain mandatory amount and the receipt of which should be enclosed along with the memo of appeal. The appellant/applicant herein did not comply with the said order, neither has he done so till date. In the circumstances, this Court finds it difficult for allowing the present MCC and restoring the appeal (i.e. MAC No. 1327/2017).
5. The rejection of this MCC would not preclude the appellant in making the statutory deposit required for the purpose of filing of the appeal and filing a fresh duly constituted appeal with an application for condonation of delay explaining the delay in the filing of the appeal.
6. With the aforesaid liberty, the present MCC stands dismissed.

Sd/-  
**(P. Sam Koshy)**  
**Judge**