

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 502 of 2014**

1. Sri Ram General Insurance Company Limited E-8 E.P.I.P. Rico, Sitapur, Jaipur, Rajsthan.

---- Appellant**Versus**

1. Sunita Nirmalkar, aged about 37 years W/o Late Panchram Nirmalkar,
2. Kishan Kumar aged about 17 years, S/o Late Panchran Nirmalkar,
3. Kumari Suman aged about 14 years, D/o Late Panchram Nirmalkar

For Appellant No. 2 and 3 Minor Natural Guardian Mother Sunita Nirmalkar, W/o Late Panchram Nirmalkar All Resident Ramnagar Tikripara, Thakatpur Distt.- Bilaspur (C.G.)

4. Dhanraj Rajput aged about 40 years S/o Bahadur Singh Rajput Dadabari Resident Ward No. 47 Quarter No. 248 Thana Dadabari Zila Kota (Rajasthan)

(Driver & Owner of Truck R. J.-25-G-1262)

---- Respondents

For Appellant	:Shri Deepak Gupta, Advocate.
For Respondent No. 1 to 3	:Shri Praveen Tulsyan, Advocate.

Hon'ble Shri Gautam Chourdiya, J**Judgment On Board****12.03.2019**

(1) This is insurer's appeal filed under Section 173 of the Motor Vehicle Act against the award dated 31.10.2013, passed by 3rd Additional Member to the Court of 1st Additional Motor Accident Claims Tribunal, Bilaspur, District Bilaspur in Claim case No. 18/2012.

(2) The instant appeal was dismissed by virtue of peremptory order dated 24.10.2016 whereby this Court had granted two weeks' time to the appellant to remove the default failing which the appeal shall stand dismissed without further reference to the Bench as the default could not be removed by appellant within stipulated period.

2. Learned counsel for the respondents/claimants submits that the claimants also filed cross-objection on 21/22.08.2014 in this appeal well within limitation and therefore the same may be considered.

3. Since the appeal has already stood dismissed by virtue of peremptory order dated 24.10.2016, the same not even admitted on account of being barred by limitation, the cross-objection filed by the claimant in this appeal being premature is not required to be considered at this stage. Accordingly, the cross-objection stands disposed of.

Sd/-

(Gautam Chourdiya)
Judge