

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 486 of 2019

1. Shriram General Insurance Company Limited, Krishna Shopping Mall, Dhimarpur Road, Raigarh, Tahsil And District Raigarh, Chhattisgarh

---- Applicant

Versus

1. Smt. Savita Mandal W/o Late Shri Sohan Mandal Aged About 25 Years R/o Prem Nagar Colony, Dharamjaigarh, Tehsil Dharamjaigarh, District Raigarh, Chhattisgarh
2. Krishna Mandal S/o Late Shri Sohan Mandal Aged About 4 Years Minor Through Her Natural Guardian Smt. Savita Mandal, W/o Late Shri Sohan Mandal, Aged About 25 Years, R/o Prem Nagar Colony, Dharamjaigarh, Tehsil Dharamjaigarh, District Raigarh, Chhattisgarh
3. Santosh Kumar Yadav S/o Shri Bhagwan Yadav Aged About 38 Years R/o Village Raitbadi, Police Station Tehsil And District Chandrapur, Maharashtra
4. Abdul Menon Khan S/o Shri Ainulla Khan Through Kumar Road Lines Chokaranala, Raipur, Tehsil And District Raipur, Chhattisgarh

-----Respondents

For Applicant	: Shri P. Acharya, Advocate.
For Respondents	: None present.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24.06.2019

1. Ignoring the default pointed out by the Registry, the MCC is heard finally at motion stage and disposed off.
2. The present MCC has been filed seeking restoration of MAC No. 350 of 2018 which got dismissed by a peremptory order passed by this Court on 28.02.2018.

3. The default pointed out by the Registry was that the mandatory requirement of the deposit to be made while preferring an appeal by the company was not made. The appellant was granted three days time for curing the default which the appellant admittedly could not comply with.
4. Given the said facts, the appeal got dismissed by the peremptory order passed by this Court.
5. Since for the purpose of filing of an appeal under Section 173 of the Motor Vehicles Act, there is a mandatory requirement of certain deposit to be made and in the absence of which, the appeal cannot be said to be a complete appeal for the purpose of this Court to entertain the same.
6. Rejection of the earlier appeal was only on account of an appeal being not proper, would not come in the way of the applicant in filing of an appeal as per instruction, as per section 173 and provisions of the Motor Vehicles Act.
7. Accordingly, the present MCC stands rejected, reserving the right of the applicant to prefer an appeal against the original appeal passed in MAC No. 350 of 2018 in accordance with law.
8. Subject to the Applicant furnishing a photocopy of the order, the certified copy can be returned back to the applicant.

Sd/-
(P. Sam Koshy)
Judge