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HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 615 of 2019

Shriram General Insurance Company Limited Through Its Branch Manager,
Branch Office, E-8, Rico Industrial Area, Sitapura, Disttict- Jaipur,
Rajashthan.....(App. Insurance Company), District : Jaipur, Rajasthan

---- Petitioner

Versus

1. Smt. Ramdai W/o Late Shri Mangdu Ram Aged About 39 Years R/o Village Rautpara, Gadiraas, Police Station-Gadiraas, District- Sukma, Chhattisgarh.....(Respondents Claimant No.1), District : Sukma, Chhattisgarh
2. Madhav S/o Late Shri Mangdu Ram Aged About 20 Years R/o Village Rautpara, Gadiraas, Police Station-Gadiraas, District- Sukma, Chhattisgarh.....(Res. Claimant No.2), District : Sukma, Chhattisgarh
3. Sunil S/o Late Shri Mangdu Ram Aged About 17 Years Minors Are Being Represented Their Next Friend Being Mother Smt. Ramdai, W/o Late Shri Mangdu Ram, Aged About 39 Years, R/o Village Rautpara, Gadiraas, Police Station-Gadiraas, District- Sukma, Chhattisgarh.....(Claimant No.3), District : Sukma, Chhattisgarh
4. Sunil S/o Late Shri Mangdu Ram Aged About 12 Years Minors Are Being Represented Their Next Friend Being Mother Smt. Ramdai, W/o Late Shri Mangdu Ram, Aged About 39 Years, R/o Village Rautpara, Gadiraas, Police Station-Gadiraas, District- Sukma, Chhattisgarh.....(Claimant No.4), District : Sukma, Chhattisgarh
5. Kumari Sarita D/o Late Shri Mangdu Ram Aged About 12 Years Minors Are Being Represented Their Next Friend Being Mother Smt. Ramdai, W/o Late Shri Mangdu Ram, Aged About 39 Years, R/o Village Rautpara, Gadiraas, Police Station-Gadiraas, District- Sukma, Chhattisgarh.....(Claimant No.5), District : Sukma, Chhattisgarh
6. Oyami Kanta S/o Shri Oyami Maasa Aged About 35 Years R/o Village Rautpara, Gadiraas, Police Station Gadiraas, District- Sukma, Chhattisgarh.....(Driver), District : Sukma, Chhattisgarh

7. Rajnarayan Singh @ Billar S/o Shri Rambaran Singh Aged About 51 Years
R/o Village Rautpara, Gadiraas, Police Station- Gadiraas, District- Sukma,
Chhattisgarh.....(Owner), District : Sukma, Chhattisgarh

---- Respondents

For Applicant	: Shri Amrito Das along with P. Acharya, Advocates.
For Respondents	: None present.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.07.2019

1. Heard on I.A. No. 1, which is an application for condonation of delay in filing the present MCC.
2. On due consideration, the same stands allowed.
3. Delay is condoned.
4. The present MCC has been filed seeking restoration of MAC No. 1541 of 2017 which got dismissed by a peremptory order passed by this Court on 15.11.2017.
5. 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.
6. Given the said facts, the appeal got dismissed by the peremptory order passed by this Court.
7. 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.

8. 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.
9. Accordingly, the present MCC stands rejected, reserving the right of the applicant to prefer an appeal against the original order passed in Motor Accident Claim Case No. 55 of 2016 in accordance with law.
10. 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