

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 802 of 2019**

- Bajaj Allianz General Insurance Company Limited, 802,803,804 Floor Mahaveer Tower Opposite Church Complex, Main Road Rachi 834001 Through Legal Officer, Bajaj Allianz General Insurance Company Limited, Shiv Mohan Bhawan Bidhan Sabha Road Pandri Raipur Chhattisgarh.

----Applicant**Versus**

1. Pupa Toppo W/o Late Santosh Toppo, age 33 years
2. Minor Anuj Toppo S/o Late Santosh Toppo, age 11 Years
3. Minor Anukampa Toppo S/o Late Santosh Toppo, age 08 Years
4. Minor Snehlata Toppo D/o Late Santosh Toppo, age 4 Years

Respondent nos. 2 to 4 are minor, they are through their Mother Pupa Toppo W/o Late Santosh Toppo

Respondent nos.1 to 4 are Caste Uranw R/o Village Kemet Nawatoli, police Station Raidih District Gumla Jharkhand.

---- Respondents

For Applicant
For Respondents

Shri Ghanshayam Patel, Advocate.
None.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

05/09/2019

1. Heard on I.A. No.1.
2. This is an application for condonation of delay of 114 days in filing the MCC.
3. By way of this application, the applicant/Insurance Company has sought restoration of MAC No.112 of 2019 which was dismissed by virtue of peremptory order dated 08.02.2019 by the Registry on 02.04.2019. The said appeal was also filed with a delay of 81 days.

The appeal was listed on 16.01.2019 for orders on defaults as pointed out by the Registry and on the prayer of counsel for the appellant, two weeks time was granted to remove the defaults. On 31.01.2019, again two weeks time was granted to the appellant to remove the defaults on payment of cost of Rs.300/- to the High Court Legal Services Committee. However, no such amount was deposited by the appellant. Thereafter, on 28.02.2019 further time of four weeks was allowed to the appellant by this Court to remove the defaults on payment of cost of Rs.500/- to the High Court Legal Services Committee. This time the Court made it clear that non-compliance of the aforesaid order shall lead to automatic dismissal of the appeal without further reference to the bench. Since the order dated 28.02.2019 of this Court was not complied with by the appellant/Insurance Company, the appeal stood dismissed vide order dated 02.04.2019 of the Registry.

4. Thus, considering the negligent attitude of the appellant in contesting the case throughout whereby on number of occasions it did not comply with the specific orders of this Court and for the fact that the instant MCC is also filed with a delay of 114 days without offering any justifiable and sufficient cause for condonation thereof, there is no ground to condone the delay in filing the MCC.
5. Accordingly, the application (IA No.1) is rejected and consequently MCC stands dismissed.

Sd/-
Gautam Chourdiya
Judge