

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 860 of 2013****{Arising out of Award dated 02.11.2012 passed by the Motor Accident Claims Tribunal, Jagdalpur, District Bastar, in Claim Case No. 131/2008}**

- Rajnandgaon Roadlines Through The Manager / Owner Head Office Civil Lines, PS Civil Lines, Raipur, Distt. Raipur (C.G.)

---- Appellant**Versus**

1. Hanuman Chourasia S/o Late Shri Ram Prasad Chourasia Aged About 50 Years R/o Praveer War No. 1 Khadag Ghat, Jagdalpur, P.S. City Kotwali, Jagdalpur, Distt. Bastar (C.G.)
2. S.G. Shouri S/o Shri L.L. Shouri R/o Kela Badi, Durg C.G. Driver of The Bus Number C.G. 08/ZA-0162
3. New India Insurance comp.Ltd. Branch Raipur, Through Branch Manager, 1st Floor, Madina Building, Jail Road, Raipur (C.G.) (Insurance Company of the Bus C.G.-08/ZA-0162)

---- Respondents

For Appellant	:	Shri Sudeep Johri, Advocate.
For Respondent No.3	:	Shri Qamrul Aziz, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Judgment on Board**Per P. R. Ramachandra Menon, Chief Justice****20.07.2020**

1. This appeal arises from the award dated 02.11.2012 passed by the Motor Accident Claims Tribunal Jagdalpur, District Bastar in Claim Case No. 131 of 2008.
2. Grievance is against fixation of liability to an extent of Rs. 15,000/- upon the Appellant/Owner of the offending vehicle bearing Registration No. CG 17/ZC 0659 to satisfy the compensation awarded towards the 3rd party property damage, in connection with an accident occurred on 13.10.2007. Since the appeal is belated by 231 days, it is sought to be condoned by filing an I.A. as well.

3. We heard Shri Sudeep Johri, the learned counsel for the Appellant as well as the learned counsel for the Respondents No. 3 at length.
4. The Appellant is owner of the vehicle bearing Registration No. CG-08/ZA 0162 insured by the 3rd Respondent. When the above vehicle was driven by the 2nd Respondent on 13.10.2007, it collided against the parked Bus bearing Registration No. CG 17/ZC 0659 belonging to the 1st Respondent. This led to a claim petition before the Tribunal as aforesaid seeking compensation in connection with the damage caused to the Bus because of the involvement of the offending vehicle belonging to the Appellant.
5. On conclusion of the trial, though huge compensation was sought for under various heads, the Tribunal awarded only a sum of Rs. 15,000/- towards the damages. Out of the said amount, the statutory liability in terms of section 147 (2) (b) of the Motor Vehicles Act, 1988 (for short, 'the MV Act') to an extent of Rs. 6,000/- was directed to be satisfied by the Insurer, by virtue of valid policy in existence and the balance sum of Rs.9,000/- was directed to be satisfied by the owner of the vehicle i.e. the Appellant, which is the subject matter of challenge.
6. Shri Sudeep Johri, the learned counsel for the Appellant submits that the policy issued in respect of the vehicle belonging to the Appellant was a comprehensive policy and hence the entire liability ought to have been directed to be satisfied by the Insurer, instead of confining the same to Rs.6,000/-, leaving the balance to be cleared by the Appellant.
7. But the primary question to be considered is whether this appeal itself is maintainable in law. As mentioned already, the appeal is belated by 231 days, which is sought to be condoned by filing an application, where notice was ordered on 21.11.2013. The delay in filing the appeal has not been condoned, but for condoning the delay in filing the necessary process fees

as per the orders passed in relevant IAs. According to us, the reason for condoning the inordinate delay has not been properly explained, but for saying that it was due to the lapse/omission of the former clerk, without disclosing the vital particulars.

8. Admittedly, award in dispute is only to an extent of Rs. 9,000/-; insofar as, out of the total a sum of Rs. 15,000/- awarded by the Tribunal, Rs. 6,000/- is ordered to be satisfied by the Insurer, by virtue of the statutory extent of coverage towards TPPD (Third Party Property Damage) under the policy, in terms of Section 147 (2) (b) of the MV Act. Section 173 (2) of MV Act, clearly stipulates that no appeal shall lie against any award of the Claim Tribunal, if the amount in dispute in the appeal is less than Rs. 10,000/-. Since the amount in dispute is stated as only Rs. 9,000/- no appeal is maintainable, by virtue of the statutory bar under Section 173 (2) of the MV Act.
9. In the above circumstances, we are of the view that the appeal is not maintainable either on facts or in law and accordingly it stands dismissed alongwith the petition to condone the application for delay.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge