

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MAC No. 974 of 2019

Bharti Axa General Insurance Company Limited Through Its Authorized Officer, Chawla Complex, First Floor, Devendra Nagar Raipur, Tehsil & District Raipur Chhattisgarh.

---- Appellant

Versus

1. Smt. Janki Sahu W/o Late Murlidhar Sahu Aged About 39 Years.
2. Manoj Sahu S/o Late Murlidhar Sahu Aged About 38 Years.
3. Mahendra Sahu S/o Late Murlidhar Sahu Aged About 25 Years.
4. Maneesh Sahu S/o Late Murlidhar Sahu Aged About 21 Years.

Respondent Nos.1 to 4 are R/o. Parasnagar Mainroad, Kasdol, Distt Balodabazar, Chhattisgarh.

5. Mannu Lal Sahu S/o Shri Sonaram Sahu Aged About 40 Years, R/o. Ward No.2 Lavan P.S-Kasdol, Distt. Baloda Bazar, Chhattisgarh.
6. Satish Kumar Pandey S/o Krishan Kumar Pandey Aged About 38 Years, R/o Main Road Lavan P. S. Kasdol District Baloda Bazar Chhattisgarh.

-----Respondents

For Appellant : Shri Ghanshyam Patel, Advocate.
 For Respondents : None.

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

Per Parth Prateem Sahu, J
22.09.2020

1. Appellant/Insurance Company has filed this appeal on 30.04.2019 under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act of 1988') challenging the impugned award dated 25.07.2014 passed by the Chief Motor Accident Claims Tribunal, Raipur, Distt- Raipur, C.G (in short 'the Tribunal'), in Claim Case No.68/2013.
2. This appeal has been filed without '*Vakalatnama*', application for the condonation of delay & without making mandatory deposit as prescribed under Section 173 of the Act of 1988. Registry has pointed out that the appeal is barred by 1618 days on 27.05.2019.

3. The appeal was listed before the Court on 17.06.2019, on which date, the learned counsel for the appellant/Insurance Company sought for and was granted time to cure defects as pointed out by the Registry. Thereafter, this appeal was listed on 16.07.2019, 22.08.2019 & 12.09.2019, and on the aforementioned dates also, on the request of learned counsel for the appellant, time was granted to cure aforementioned defects.
4. Going through the file, it reveals that “*Vakalatnama*” duly signed by the Authorized Signatory of Insurance Company authorising the counsel to file this appeal was not filed alongwith memo of appeal.
5. Taking into consideration the fact, that there is no “*Vakalatnama*”, appeal, which is filed with delay of 1618 days, has been filed without an application for condonation of delay and even the mandatory deposit has not been made, considering that despite grant of several opportunities in last more than one year, aforesaid defects have not been made good by the appellant, we do not find it appropriate to grant further time to the learned counsel for the appellant/Insurance Company to cure the above defects.
6. For the aforesaid reasons, appeal stands dismissed.
7. We were of the view to impose exemplary cost upon the appellant/Insurance Company in the given facts of the case, but looking to the persuasive submission made by learned counsel for the appellant/Insurance Company, we restrained ourselves from imposing cost.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge