CGHC010201672013 2026:CGHC:47104

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 507 of 2013

The New India Insurance Company Ltd. Kolkata West Bengal, West Bengal

... Applicant

versus

1. Jai Kishor Yadav And Anr. S/o Angad Yadav Aged About 28 Years R/o Village Shivpur, P.S. Shivpur, Dist. Hawda W.B., West Bengal
2. Pal Goods Transport Co. Ltd. Shaili Line 13/4, West Bengal, Hawda, Kolkata, West Bengal

... Respondents

For Applicant : Mr. Raj Awasthi, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

16.11.2026

1. Mr. Raj Awasthi, learned counsel, appearing for the applicant.

2. The present MCC has been filed seeking restoration of M.A. No. 481 of 2005 and setting aside of the compromise award dated 21.01.2006.

3. The respondent No. 1/claimant had filed an application under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the MV Act'), seeking compensation on account of injuries and permanent disablement sustained by him in an accident that occurred on 08.02.2002, due to rash and negligent driving of the offending vehicle, i.e., Truck bearing registration No. OR-15-E-5986.

4. The owner of the offending vehicle and the insurance company were impleaded as respondents in the claim application.

5. The learned 2nd Additional Motor Accident Claims Tribunal, Mahasamund, Chhattisgarh, in Claim Case No. 64 of 2002, vide award dated 18.01.2005, dismissed the claim application filed by respondent No. 1.

6. Being aggrieved by the aforesaid award, respondent No. 1 preferred an appeal under Section 173 of the MV Act before this Court, which was registered as M.A. No. 481 of 2005.

7. The appeal was placed before the Lok Adalat of this Court and, vide award dated 21.01.2006, compensation of Rs. 27,250/- was awarded in favour of respondent No. 1. The present applicant, who was respondent No. 2 in the said miscellaneous appeal, was directed to pay the aforesaid amount.

8. The present MCC has been filed with a prayer to set aside the award dated 21.01.2006, on the ground that respondent No. 1 had assured the applicant that he would provide a copy of the insurance policy.

9. This MCC was filed on 09.01.2008. The Registry pointed out the following defects in the MCC:-

(i) Certified copy of the award not filed.

(ii) MCC filed barred by 688 days and application for condonation of delay has not been filed.

10. It appears that the defects pointed out by the Registry have not been cured.

11. The MCC was registered in the year 2013. It further appears that the matter could not be listed before this Court for almost 12 years and eventually came to be listed before this Court on 04.04.2025.

12. As no one appeared on behalf of the applicant, the matter was directed to be listed in the next week, i.e., on 11.04.2025.

13. On 11.04.2025, this Court directed the learned counsel for the applicant to remove the defects within a week.

14. Thereafter, on 14.08.2025, none appeared on behalf of the applicant and the matter was directed to be listed week after next.

15. When the matter is taken up for hearing today, Mr. Awasthi, learned counsel for the applicant, seeks further time to remove the defects.

16. This Court is not inclined to grant any further time to learned counsel for the applicant to remove the defects, particularly when the defects pointed out by the Registry have remained uncured since 2008, i.e., for almost 18 years.

17. Accordingly, the present MCC fails and is hereby dismissed on this ground alone.

Sd/-

(Sachin Singh Rajput)
Judge

Abhishek