

(2019) 07 CHH CK 0107
In the Chhattisgarh High Court
Case No : MCC No. 615 Of 2019

Shriram General Insurance Company Limited	APPELLANT
Vs	
Ramdai And ors	RESPONDENT

Date of Decision : 16-07-2019

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2019) 07 CHH CK 0107

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Amrito Das, P. Acharya

Final Decision : Dismissed

Judgement

P. Sam Koshy, J

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.