



HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1464 of 2015

The Oriental Insurance Co. Ltd. **versus** Erraram Baghel

Order Sheet

31/07/2025	<p>Shri Pallav Mishra appears on behalf of Shri R.N.Pusty, counsel for the appellant.</p> <p>Respondent No.1 is stated to be died.</p> <p>None for respondents No. 2 & 3, though served.</p> <p>Learned counsel for the appellant/insurance company submits that respondent No.1/claimant has died on 11.09.2022 and despite all best efforts, legal representatives of respondent No.1 could not be traced out on account of non-availability of their whereabouts. He further submits that he has filed an application on 14.01.2025 for taking investigation report with affidavit, stating therein that investigator appointed by the appellant/insurance company has submitted a report to the company on 10.04.2024 expressing his inability to ascertain the details of legal representatives of respondent No.1 with a prayer to take copy of investigation dated 10.04.2024, which is annexed with the application as Annexure – 1, on record.</p> <p>As per para 18 of the impugned award, claimant/respondent No.1 is father of the deceased boy and the deceased boy was only son of the claimant (respondent No.1) and the mother of the deceased boy has already died, therefore,</p>

it appears that father was the sole representative, who has filed claim petition as claimant and has passed away during pendency of this appeal on 11.09.2022, as informed by the learned counsel for respondent No.1.

It appears from perusal of the record that Cross-appeal under Order 41 Rule 22 of the CPC read with Rule 242 (3) of the Chhattisgarh Motor Vehicle Rules, 1994 has been filed on behalf of respondent No.1/claimant seeking enhancement of compensation amount awarded by the learned Claims Tribunal vide its award dated 08.07.2015.

The impugned award was passed on 08.07.2015 whereas this Cross-appeal was filed on 21.07.2022 and there is delay of 2203 days in filing the same and that, no application for condonation of its delay has been filed by respondent no.1/claimant, rather the respondent No.1/claimant has died, as informed by the learned counsel for the respondent No.1, and his legal representatives have also not been brought on record, therefore, in my view, the cross-appeal is barred by time.

Accordingly, the cross-appeal deserves to be and is hereby dismissed as barred by time.

At this stage, it is further submitted by the learned counsel for the appellant that the awarded amount of Rs.3,00,000/- has already been paid to the claimant/respondent No.1.

Since the claimant/respondent has already passed away on 11.09.2022 during pendency of this appeal and that no legal representatives have been brought on record by the appellant/insurer, therefore, in that view of the matter, the appellant/insurance company is not entitled to get any relief against respondent No.1/claimant (now died) – Legal heirs or legal representatives.

Indisputably, the appeal is also filed against driver and owner of the offending vehicle arraying them as respondents No.

2 & 3 by the appellant/insurance company.

Be that as it may, list the matter for final hearing in the week after next.

In the meanwhile, the name of respondent No.1/claimant be deleted from the cause title of the memo of appeal.

Sd/-

(Radhakishan Agrawal)

Judge

Anjani