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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MAC No. 1344 of 2018

IFFCO TOKIO General Insurance Company Limited Address Branch Office Near Charlie Outala Showroom Gouri Shankar Mandir Road, Raigarh Pin No. 496001 (Insurer)

... Petitioner(s)

versus

1 - Babulal Rajwade S/o Sakaldeep Rajwade, Age 40 Years, Cast - Rajwar Occupation Agriculture Village Rajapur (Rakrapara) P.S. Jainagar, District Sarguja Chhattisgarh. (Claimant)

2 - Parasnath @ Parasram S/o Arjun Ram, Age 27 Years, Cast - Rajwar, Occupation Driver R/o Jodhpur Jharpara, P.S. Lakhanpur District Sarguja Chhattisgarh. (Driver)

3 - Chandchan Ram S/o Sakaldeep, Age 45 Years, Occupation - Agriculture, Cast – Rajwar, Village Rajapur (Rakrapara) P.S. Jainagar District Sarguja Chhattisgarh. (Owner)

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Appellant	:	Mr. Ghanshyam Patel, Advocate
	:	

SB: Hon'ble Mr. Justice Amitendra Kishore Prasad

Order on Board

19/01/2026

1. This appeal has been filed by the appellant/Insurance Company challenging the award dated 31.1.2017 passed in Motor Accident Claim Case No.365/2011 by the Second Additional Motor Accident Claims Tribunal, Surajpur, District Surajpur (CG)
2. In a case regarding the death of a child, an application seeking compensation was filed by the claimant (father of deceased {minor} - Ku. Sadhna) . Upon adjudication, the Claims Tribunal awarded a total compensation of Rs.4,85,000/-, under all heads. The Claims Tribunal has filed this appeal challenging the award on various grounds, primarily on the ground that the deceased-minor daughter was travelling on the tractor as a gratuitous passenger, therefore, the liability fastened upon by the Insurance Company is not in accordance with law.
3. The Insurance Company has preferred this appeal with an inordinate delay of 451 days. This appeal came up for hearing for the first time on 17.8.2018 and on the said date, Counsel for the appellant/insurance company sought time to remove the default as pointed out by the Registry. Subsequently, the matter was listed on 18.9.2018 and the appellant again prayed for two weeks time to remove the defaults. Thereafter, again on 23.10.2018, the appellant/Insurance Company prayed for time on the same ground. Ultimately, on 10.11.2025, upon

removal of the default, notices were issued on an application for condonation of delay (IA No.2/2018) as well as on the main petition and the matter was directed to be listed in the week commencing 08.12.2025. On 8.12.2025, learned counsel for the Insurance Company submitted that he had filed an application for condonation for delay in payment of PF, as the order dated 10.11.2025, directing payment of PF, could not be complied with in time. Consequently, on 19.12.2025, the application for condonation of delay in payment of PF was allowed and the matter was directed to be listed in the week commencing 19.1.2026 and accordingly, it came up for hearing today before this Court.

4. Learned counsel for the appellant/insurance company would submit that unfortunately, the case file was misplaced and inadvertently tagged with another matter. This fact came to their notice only when the status of all the cases was updated. Hence, the aforesaid delay may be occurred.

5. I have heard learned counsel for the appellant and also perused the documents annexed with the petition.

6. After going through the record, it appears that the award was passed way back on 31.1.2017. Thereafter, this appeal was preferred with a considerable delay, being barred by 451 days. Although the case was listed for the first time on 17.8.2018, it has since been repeatedly listed on default(s) and has not been heard on merits till date. Instead, the matter has been remained pending for consideration of the application for condonation of delay in filing the instant appeal. In my view, after a lapse of about 7 years from the date of the award, a substantive right has been accrued in favour of the claimant.

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7. Furthermore, the Insurance Company has failed to remain vigilant in prosecuting this appeal. In such circumstances, where a valuable right has accrued in favour of the claimant, this Court does not deem it appropriate to condone the delay merely for the sake of hearing an appeal that has remained unprosecuted for about 7 years. More so, no reasonable or sufficient cause has been shown by the Insurance Company for the condonation of delay.
8. For the foregoing, without commenting anything on the merits of the case, in view of the insufficient reasons assigned for the delay in filing the appeal, IA No.2/2018, an application for condonation of delay in filing the appeal, is dismissed.
9. Consequently, the Appeal is also dismissed.

Sd/

(Amitendra Kishore Prasad)
Judge

Shyna Ajay