



CGHC010339432026



2026:CGHC:42855

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCC No. 865 of 2026**

1 - M/s Gurunanak Engineering Works Through Office In Charge M/s Gurunanak Engineering Works, Geedam Road, Jagdalpur, Distt. Bastar, Chhattisgarh. (Owner)

... Applicant**versus**

1 - Ramsata Kaivartya (Died And Deleted) As Per Hon'ble Court Order Dated 05-12-2023.

2 - Nathan Bai Kaivartya W/o Ramsata Kaivartya Aged About 49 Years R/o Village Limtari, P.O. Purgaon, P.S. Bilaigarh, Distt. Balodabazar Bhatapara, Chhattisgarh.

3 - Uchhal Kumar Kenvat S/o Ramsata Kaivartya Aged About 25 Years R/o Village Limtari, P.O. Purgaon, P.S. Bilaigarh, Distt. Balodabazar Bhatapara, Chhattisgarh.

4 - Minor Ramdev S/o Ramsata Kaivartya Aged About 16 Years Minor Through Their Guardian Father Ramasata Kaivarya (Res. No. 1) R/o Village Limtari, P.O. Purgaon, P.S. Bilaigarh, Distt. Baloabazar Bhatapara, Chhattisgarh.

5 - Minor Kumari Sona Bai Kenvat S/o Ramsata Kaivartya Aged About 14 Years Minor Through Their Guardian Father Ramasata Kaivarya (Res. No. 1) R/o Village Limtari, P.O. Purgaon, P.S. Bilaigarh, Distt. Balodabazar Bhatapara, Chhattisgarh.

6 - Minor Kumari Anulata Kenvat S/o Ramsata Kaivartya Aged About 12 Years Minor Through Their Guardian Father Ramasata Kaivarya (Res. No. 1) R/o Village Limtari, P.O. Purgaon, P.S. Bilaigarh, Distt. Balodabazar Bhatapara, Chhattisgarh.

7 - Ajmer S/o Mohamed Dinni Through Gurunanak Engineering Workshop, Jagdalpur, P.S. Bharpā, Distt. Bastar, Chhattisgarh. (Driver)

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8 - The New India Insurance Company Limited C/o Divisional Manager (Divisional No. 2) The New India Insurance Company Limited Jeevan Bima Office, Pandri, Raipur, P.S. Pandri Raipur, District Raipur, Chhattisgarh. Through Authorized Signatory, Manager Suit Legal Hub, The New India Assurance Company Limited, Suit Legal Hub, The New India Assurance Company Limited, Suit Legal Hub Office, 2nd Floor, Rama Trade Center, Above Axis Bank, Opp. Rajiv Plaza, Old Bus Stand Road, Bilaspur, Distt. Bilaspur, Chhattisgarh.

... Respondents

For Applicant	:	Shri Shrawan Agrawal, Advocate.
For Respondents No.2 to 6	:	Shri Rakesh Thakur, Advocate.
For Respondent No.8	:	Shri B.N. Nande, Advocate.

Hon’ble Shri Justice Sachin Singh Rajput

Order on Board

01/10/2026

1. This MCC is an application for restoration of Cross Appeal/Cross Objection filed in MAC No.1592/2019.
2. Learned counsel for the applicant submits that the respondent No.8/Insurance Company had filed an appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, ‘MV Act’) assailing the award dated 12/03/2019 passed in Claim Case No.345/2016 by the Additional Motor Accident Claims Tribunal, Raipur (C.G.). The said appeal was registered as MAC No.1592/2019. The challenge was made by the respondent No.8/Insurance Company to pay and recover by the learned claims tribunal. The applicant who was respondent No.8 in MAC No.1592/2019 had also filed cross appeal/cross objection under Order 41 Rule 22 of CPC. When the appeal came up for hearing before this Court on 10/08/2026 as the applicant could not appear on two rounds, thus the cross appeal/cross objection filed by the applicant was dismissed for want of prosecution. He also submits that due to *bonafide* mistake, the applicant could not appear before this Court on

10/08/2026. He further submits that the relief as claimed in the cross appeal/cross objection has not been decided by this Court on merits, which would cause prejudice and irreparable loss to the applicant. He next submits that one opportunity may be granted to the applicant to prosecute his cross appeal/cross objection.

3. Learned counsel for the respondents opposes the submission.
4. Be that as it may, taking into consideration and submission made herein above and perusal of the record, this Court is of the view that this application should be allowed, thus the MCC is allowed and the cross appeal/cross objection filed by the applicant in MAC No.1592/2019 is restored to its original number.

Sd/-

(Sachin Singh Rajput)
JUDGE