

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 297 of 2016

- National Insurance Company Limited Division Office, Akash Ganga Complex, Supela, Bhilai, Tahsil & District Durg, Chhattisgarh, Through Its Divisional Manager, National Insurance Company Limited, Taha Complex, Vyapar Vihar Road, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- Smt. Anita Singh W/O Late Dinesh Kumar Singh Aged About 43 Years R/O Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh.
- Atul Chandel S/O Late Dinesh Kumar Singh Aged About 15 Years (Minor) Represented Through Guardian Mother Smt. Anita Singh W/O Late Dinesh Kumar Singh R/O Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh.
- Ku. Surbhi Chandel D/O Late Dinesh Kumar Singh Aged About 12 Years (Minor) Represented Through Guardian Mother Smt. Anita Singh W/O Late Dinesh Kumar Singh R/O Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh.
- Paltan Singh S/O Shri Chatur Singh Aged About 65 Years R/O Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh.
- Basant Patre S/O Shri Udhoram Patre Aged About 40 Years R/O Rohrakala, Police Station Pathariya, Tahsil Mungeli, The Then District Bilaspur, Presently District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri U.N.S. Dev, Advocate for the applicant.
For Respondent	: Shri Malay Kumar Bhaduri, Advocate for the respondent.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board By Justice Prashant Kumar Mishra

28/07/2016

1. This is an application for restoration of MAC No.120/2009, barred by 1576 days of its limitation.
2. Learned counsel for the applicant would submit that due to oversight and overlooking the cause list dated 25.11.2011, he could not make appearance, which is not *malafide*, therefore, the application deserves to be allowed. He would submit that the applicant is ready to abide by the terms which may be imposed by this Court for allowing the application for

restoration.

3. Learned counsel for the respondent would submit that the delay is intentional, therefore, the application for restoration deserves to be dismissed.
4. Considering the entire fact situation of the case and that the litigants should not be made to suffer because of inadvertence of the counsel, the delay in filing the restoration application deserves to be condoned. It is accordingly condoned.
5. For the reasons mentioned in the restoration application, MCC No.297 of 2016 is allowed subject to payment of 50% of the awarded amount together with 50% of the accrued interest within a period of 8 weeks from today. If such payment is made the claimants would be at liberty to withdraw the amount.
6. In the above terms, the MAC No.120/2009 is restored to its original number.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Chandra Bhushan Bajpai)

Judge

Nisha