

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 418 of 2016

- K. Venkat Rao S/o Late K. Gopal, Aged About 45 Years Caste Balji, R/o Near New City Tailors, Jyoti Nagar, Zone 3, Sector-II, Bhilai, District Durg (Chhattisgarh).....(Appellant)

---- Petitioner

Versus

1. Ashwani Kumar Banjare S/o Manikram Banhare, Aged About 39 Years R/o Semariya, P. S. Bhatapara, District Raipur (Chhattisgarh).....(Chhattisgarh)
2. Tineshwari Baghel, Wd/o Late Namdas Baghel, R/o Kathiya, P. S. Kharora, District Raipur (Chhattisgarh).....(Owner)
3. Branch Manager, The New India Insurance Company Limited, Through Divisional Manager, The New India Insurance Company Limited, Thakkar Chambers, Beside Of Ashish Hotel, Power House Bhilai, District Durg (Chhattisgarh).....(Insurer)
4. Kishore Kumar Sahu, S/o Ganeshram Sahu, R/o Nehru Ward, Bhatapara, P. S. Bhatapara, District Raipur (Chhattisgarh).....(Driver)
5. Angadram Sahu, S/o Dalluram Sahu, R/o Nayagant Ward, Bhatapara, District Raipur (Chhattisgarh)(Owner)
6. Branch Manager, The Oriental Insurance Company Limited, Madina Building Kachahari Chowk, Raipur, Through Divisional Manager, The Oriental Insurance Company Limited, Malviya Nagar, Durg (Chhattisgarh).....(Insurer)

---- Respondent

For Petitioner
For Respondent No.3

Mr. KPS Gandhi, Advocate
Mr. Qamrul Aziz, Advocate

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

Order On Board

11/8/2016

IA No.01

1. This is an application for condonation of delay in filing the MCC.

2. The MCC is barred by 1239 days.
3. It is stated in the application that when the appeal was dismissed for want of prosecution, an information was sent to the applicant, but he was out of station. Therefore, he could not instruct his counsel probably because he did not receive the information.
4. In the award impugned in the appeal under Section 173 of the Motor Vehicles Act, the applicant has been awarded compensation of Rs.8081/-.
5. Considering the entirety of circumstances, we are satisfied that the delay in moving the application for restoration is properly explained, therefore, the delay deserves to be condoned.
6. Accordingly, IA No.01 is allowed and the delay in filing the MCC is condoned.

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7. This is an application for restoration of MAC No.951 of 2011 which was dismissed for want of prosecution on 11.04.2012.
8. On due consideration and for the reasons mentioned in the restoration application, it is allowed and MAC No.951 of 2011. is directed to be restored to its original number.

Sd/-

Sd/-

Judge

Judge

(Prashant Kumar Mishra)

(Chandra Bhushan Bajpai)