

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 14 of 2016

1. Dharmendra Sidhuja (Dead) Through Wife Smt. Monica Sidhuja Wd/o Dharmendra Sidhuja, Aged About 27 Years R/o Plot No. 01, Mutha Nagar, Street No. 07, Telibandha Raipur, District Raipur (Chhattisgarh).....(Appellant)

---- Applicant

Versus

1. Lalji Yadav S/o Bhukan Yadav, Aged About 45 Years R/o Dodekala, Near Water Tank, Police Station Dharsiwa, District Raipur (Chhattisgarh).....(Driver Of The Truck/dumper C G 04 Z C 4290)
2. Kisanchand Athwani S/o Prahalad Rai Athwani, Aged About 45 Years R/o Lakhe Nagar, Raipur (Chhattisgarh).....(Owner Of The Truck / Dumper C G 04 4290)
3. National Insurance Company, Through Its Regional Office, G. E. Road, Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Applicant : Shri Pankaj Agrawal, Advocate

ORDER

Per P. Diwaker, J

13/01/2016

1. Heard on I.A.No.1/2016, application for condonation of delay in filing the present MCC.
2. Shri Agrawal submits that the claimant- Dharmendra Sidhuja initially suffered grievous injuries in the accident and later on he expired. He submits that MAC No.160/2012 was filed by the claimant under Section 173 of the Motor Vehicles Act, but as the claimant was not represented, the appeal was dismissed for want of prosecution.
3. It has been put forth that if MAC No.160/2012 is not restored, the applicant would

suffer irreparable loss.

4. Considering the facts and circumstances of the case and for the reasons mentioned in the application, I.A.No.1/2016 is allowed and delay in filing the MCC is condoned.
5. Heard on admission.
6. Considering the fact that the applicant is the claimant, the present MCC is allowed and MAC No.160/2012 is restored to its original number.

Sd
(Pritinker Diwaker)
Judge

Sd
(Chandra Bhushan Bajpai)
Judge