

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Civil Case No.207 of 2017**

- Branch Manager National Insurance Company Limited 1st Floor
Navin Bazar, Phool Chowk, Raipur, District Raipur, Chhattisgarh

---- Applicant**Versus**

1. Sukhiram Chandravanshi S/o Bhulauram Chandravanshi, Aged About 37 Years R/o Neurgaonkala, P.S. & Tahsil- Bodla, District- Kabirdham, Chhattisgarh
2. Jwala Prasad Chandravanshi S/o Narayan Prasad, Aged About 40 Years R/o Neurgaonkala, P.S. & Tahsil- Bodla, District- Kabirdham, Chhattisgarh

---- Respondents

For applicant	: Shri Raj Awasthi, Advocate
For respondents	: Not noticed

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****08.3.2017**

Heard on IA No.01/17, for condonation of delay in filing the application as the same has been filed after 50 days of its limitation.

2. On due consideration of the reasons mentioned in the application and the arguments advanced in this behalf, this Court is of the considered view that the applicant has satisfactorily explained the delay for filing the instant application.

3. Consequently, IA No.01/17 is allowed and the delay in filing the instant application is hereby condoned.

4. Also the heard the matter finally.

5. Learned counsel for the applicant would submit that as per Order dated 16.11.2016 passed in MAC No.1503/16, default pointed out was removed, though not within a week as directed, but after two days i.e. 24.11.2016, thereby the default has already been removed. Hence, dismissal of the said MAC may be considered and the said appeal may be taken up for hearing as the respondent No.3 is not noticed in the said MAC.

6. Perused order dated 16.11.2016 passed in MAC No.1503/16.

7. Statement of learned counsel for the applicant that applicant/appellant had removed the default on 24.11.2016 is hereby recorded.

8. The instant MCC is hereby allowed with an observation that if the default pointed out has been cured on 24.11.2016, then only the said MAC No.1503/16 be restored to its original number. If the statement of removal of default is not correct, then the order passed in the instant MCC shall lose its efficacy.

9. With the above terms, the instant MCC is disposed of.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE