

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 290 of 2017

1. Branch Manager Chola Manad General Insurance Company Limited, Branch, Rajiv Plaza, 1st Floor, Bilaspur Distt. Bilaspur, At Present- Choramandlam M S General Ins. Co. Ltd. 2nd Floor, Simran Tower, Opp. L I C Office, Vidhansabha Road, Pandri, Police Station Pandri Raipur, Chhattisgarh(Insurer of Vehicle Hiwa Truck No. CG-15-AC-2538)

---- Applicant

Versus

1. Smt. Tulsi Wd/o Late Shivaram, Aged About 40 Years, R/o Village- Amdi, Police Station Dhaupur, Tahsil Undra, Distt. Surguja, Chhattisgarh(Claimant)
2. Nan Singh S/o Jaitram, Aged About 31 Years, Profession- Vehicle Driver, R/o Village Madan Nagar Police Station Pratappur, Distt. Surguja, Chhattisgarh(Driver of Vehicle Hiwa Truck No. CG-15-AC-2538)
3. Abhishek Singh S/o Dinesh Singh, R/o Bauripara, Ring Road, Ambikapur Police Station Ambikapur Distt. Surguja, Chhattisgarh(Owner of Vehicle Hiwa Truck No. CG-15-AC-2538)
4. Branch Manager, National Insurance Company Limited, Palika Bhawan, 1st Floor, R.K.Puram, New Delhi, 110066(Insurer of Vehicle Motor Cycle No. CG-15-CP-6370)

----Non-applicants/Respondents

For Applicant – Shri Rohitashva Singh, Advocate.
For Respondents – None, not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-04-2017

1. Heard on I.A.No.1/2017 for condonation of delay in filing the application of restoration as the instant MCC has been preferred after 81 days of its limitation.
2. For the reasons mentioned in I.A.No.1/2017 and the argument advanced, this Court is of the considered view that the applicant has satisfactorily explained the delay in filing the instant MCC.
3. Consequently, I.A.No.1/2017 is hereby allowed and the delay of 81 days in filing the instant MCC is hereby condoned.

4. Also heard the matter finally.

5. Learned counsel for the applicant would submit that in MAC No.1558/2016 notices were not issued to the respondents. The said MAC was preferred within its limitation, but on account of default pointed out and the inability of the appellant/applicant to remove the default within a week from 24-11-2016 the said MAC was dismissed on a peremptory order. Learned counsel would further submit that if an opportunity is granted, the applicant shall remove the default within a week from now, hence, the matter may be disposed of finally even without noticing the respondents in the matter.

6. On due consideration, the instant MCC is hereby allowed. The applicant is directed to remove the default within a week from now as pointed out in the said MAC No.1558/2016 which was dismissed on a peremptory order dated 24-11-2016. If the default is removed within a week from now, the said MAC be restored to its original number. If the default is not removed within a week from now, the order passed in the instant MCC shall lose its efficacy. With this condition, the instant MCC is hereby allowed.

7. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE