

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 363 of 2017**

- Oriental Insurance Company Limited Through The Branch Manager, Branch Office- Hotel Laxman, Avenue Medical College Road, Jagdalpur, District- Bastar, (Chhattisgarh)

---- Applicant**Versus**

1. Champa Sikander W/o Late Prashant, Aged About 25 Years R/o Village Jugani Camp, Post Jugani Kalar, Tahsil Farasgaon, District Kondagaon, Chhattisgarh
2. Piyu Sikander, S/o Late Prashant Sikander, Aged About 1 Years Minor, Through Legal Guardian Mother Smt. Champa Sikander, R/o- Village- Jugani Camp, Post- Jugani Kalar, Tahsil- Farasgaon, District- Kondagaon, (Chhattisgarh).
3. Mahendra Sikander, S/o Late Shivcharan Sikander, Aged About 65 Years R/o- Village- Jugani Camp, Post- Jugani Kalar, Tahsil- Farasgaon, District- Kondagaon, (Chhattisgarh).
4. Geeta Sikander, W/o Sikander, Aged About 55 Years R/o- Village- Jugani Camp, Post- Jugani Kalar, Tahsil- Farasgaon, District- Kondagaon, (Chhattisgarh)
5. Laxman Das Karamchandani, S/o Late Devan Das Karamchandani, R/o- Maharani Ward, Shiva Tent House, Behind F.C.I. Godown, Bodhghat, District- Bastar, (Chhattisgarh).
6. Kalavati Karamchandani, W/o Laxman Das Karamchandani, R/o- Maharani Ward, Shiva Tent House, Behind F.C.I. Godown, Bodhghat, District- Bastar, (Chhattisgarh)

---- Respondents

For Applicant : Shri Goutam Khetrapal, Advocate
Respondents not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.5.2017**

1. Heard on IA No.1/2017 for exemption from filing affidavit.

2. On due consideration, I.A.No.1/2017 is allowed. The applicant is exempted from filing affidavit in support of the instant MCC.

3. The instant MCC is admitted for hearing.

4. Prima facie the MCC has been preferred within its limitation i.e. within 30 days from the date of order passed in MCC No.260/2017 dated 10.4.2017 and the instant MCC has been preferred on 1st May, 2017.

5. On perusal of the matter it appears that Registry has not calculated the limitation part. It is a serious mistake.

6. Registrar (Judicial) is directed to take action against the concerned official who had not given the calculation chart in the matter showing the entire facts as required.

7. Heard the matter finally.

8. Learned counsel for the applicant would submit that on account of bonafide mistake, the default as pointed out in MAC No. 1168/2016 which was ultimately dismissed on a peremptory order dated 11.1.2017 and time was granted to the applicant in MCC No. 260/2017 dated 10.4.2017 for 10 days from 10.4.2017 is not cured.

9. Learned counsel for the applicant submits that he is ready to remove the default pointed out in the said MAC during the course of the day, hence, time to remove the default as granted in

the MCC No. 260/2017 dated 10.4.2017 may be extended for today.

10. On due consideration, time to remove the default in the said MAC No. 1168/2016 granted by this Court dated 10.4.2017 is hereby extended till today.

11. The applicant shall remove the default today. If default is not removed by today, the order passed in the instant MCC shall lose its efficacy.

12. The MCC stands disposed of.

Sd/

(Chandra Bhushan Bajpai)
JUDGE