

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Civil Case No.386 of 2017**

1. Smt. Kirti Gupta Wd/o Late Santosh Gupta, Aged About 40 Years R/o Village Peepartarai, Tahsil & Police Station Kota, District (Revenue And Civil) Bilaspur, Chhattisgarh
2. Kumari Shivani Gupta D/o Late Santosh Gupta, Aged About 15 Years Minor Through The Mother (Natural Guardian) Appellant No.1 Smt. Kirti Gupta Wd/o Late Santosh Gupta, R/o Village- Peepartarai, Tahsil & Police Station- Kota, District (Revenue & Civil)- Bilaspur, Chhattisgarh
3. Suraj Gupta S/o Late Santosh Gupta, Aged About 13 Years Minor Through The Mother (Natural Guardian) Appellant No.1 Smt. Kirti Gupta Wd/o Late Santosh Gupta, R/o Village- Peepartarai, Tahsil & Police Station- Kota, District (Revenue & Civil)- Bilaspur, Chhattisgarh

---- Applicants**Versus**

1. Choramandalam M. S. General Insurance Company Limited Through: Branch Manager, Branch Office- Simran Topper Near Railway Line Pandari, Raipur, Tahsil & District (Revenue & Civil)- Raipur, Chhattisgarh(Insurer Of The Vehicle Pickup No. C.G. 09/ B / 0969)
2. Laxman Kumar Satnami S/o Sukhau Satnami, R/o Village- Motimpur, Pandariya, Tahsil & Police Station- Pandariya, District (Revenue & Civil)- Kawardha, Chhattisgarh (Driver Of The Vehicle Pickup No. C.G. 09/ B /0969)
3. Tejram Soni S/o Late Onkar Prasad Soni, R/o Ward No.06, Killa Para, Pandariya, Tahsil & Police Station- Pandariya, District (Revenue & Civil)- Kawardha, Chhattisgarh (Owner Of The Vehicle Pickup No. C.G. 09/ B /0969)
4. Urmila Gupta Wd/o Arjun Gupta, Aged About 60 Years Smt. Kirti Gupta Wd/o Late Santosh Gupta, Aged About- 40 Year, R/o Village- Peepartarai, Tahsil & Police Station- Kota, District (Revenue & Civil)- Bilaspur, Chhattisgarh (Claimant)

---- Respondent

For Applicant : Shri Vineet Kumar Pandey, Advocate
 For Respondent/State : Respondent not noticed.

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

22.6.2017

Heard on IA No.01/17 under Section 5 of the Limitation Act as the instant MCC has been preferred after 80 days of its limitation.

2. On due consideration of the prayer mentioned in IA No.01/17 and the arguments advanced, this Court is of the considered view that the applicants has satisfactorily explained the delay of 80 days in filing the instant MCC. Consequently, IA No.01/17 is hereby allowed and the delay of 80 days in filing the application is hereby condoned.

3. Also heard the matter finally.

4. Learned counsel for the applicants would submit that respondents 1 & 3 though represented and respondent No.2 though served were not represented on 13.12.2016, wherein this court passed a peremptory order to remove the default and as the applicants were failed to remove the default within the time granted, the said MAC No.1047/16 was dismissed for non prosecution on a peremptory order and there was no any representation, the present matter may be heard finally without noticing the respondents as the applicants are ready to remove the default in the said matter within a week from now.

5. As prayed the matter is heard finally.

6. Learned counsel for the applicant would submit that they will remove the default as pointed out in the said matter within a week from now.

7. As submitted, the instant MCC is hereby disposed of. If the applicants remove the default as pointed out in MAC No.1047/2016 within a week from today, the said MAC be restored to its original number which was dismissed vide order dated 13.12.2016 on a peremptory order. It is further clarified that if the applicants fail to remove the default within a week from now in the said appeal, then the order passed in the instant MCC shall lose its efficacy .

8. With the above direction, the MCC stand disposed of.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE