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HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 511 OF 2017**

The Oriental Insurance Company Limited Through Divisional Manager, The Oriental Insurance Company Limited, Jail Road, Raipur, Tahsil And District Raipur, Chhattisgarh

---- Applicant**Versus**

1. Vinay Kumar S/o Late Bodh Ram Sonwani Aged About 35 Years R/o Sasaholi, Police Station Newra, District Raipur, Chhattisgarh
2. Ajit Kumar S/o Vijay Kumar Sonwani Aged About 12 Years Minor Are Represented By Their Next Friend And Father Vijay Kumar Sonwani, R/o Sasaholi, Police Station Newra, District Raipur, Chhattisgarh
3. Ku. Aarti D/o Vijay Kumar Sonwani Aged About 10 Years Minor Are Represented By Their Next Friend And Father Vijay Kumar Sonwani, R/o Sasaholi, Police Station Newra, District Raipur, Chhattisgarh
4. Amit Kumar S/o Vijay Kumar Sonwani Aged About 8 Years Minor Are Represented By Their Next Friend And Father Vijay Kumar Sonwani, R/o Sasaholi, Police Station Newra, District Raipur, Chhattisgarh
5. Prem Chand S/o Angeshwar Dhruv R/o Suhela, District Baloda Bazar-Bhatapara, Chhattisgarh (Driver Of The Vehicle Truck Bearing No. C.G.-10-H-9111)
6. Jagit Singh S/o Rajendra Singh Chawla R/o Chawla Munshi Ismail Ward, Bhatapara, District Baloda-Bazar-Bhatapara, Chhattisgarh (Owner Of The Offending Vehicle Truck Bearing No. C.G.-10-H-9111)

---- Non-applicants

For Applicant : Mr. Raj Awasthi, Advocate

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****24/07/2017**

1. Heard on I.A. No.1, an application for condonation of delay of 34 days in filing this MCC application.
2. On due consideration of the reasons mentioned therein, the same is allowed. Delay in filing the application is hereby condoned.
3. Also heard on admission.

4. This MCC has been preferred for restoration of MAC No.582 of 2017, which was dismissed for non-compliance of order dated 20.4.2017.

5. It is pointed out by Mr. Awasthi that immediately after passing of the period of two weeks as granted by this Court, he has furnished the receipt regarding deposition of the entire statutory amount as required under Section 173 of the Motor Vehicles Act, 1988, which was paid on 31.3.2017, although, there is some delay in furnishing the receipt in this regard. Therefore, on 1.5.2017, the appeal, which was dismissed for non-compliance of the said peremptory order be set aside as there is no malafide intention behind it.

6. Having considered the facts and circumstances of the case and particularly, with regard to the fact that the requisite deposit of amount of Rs.25,000/- has already been paid by the appellant on 31.3.2017, I hereby inclined to restore the appeal dismissed on the basis of the said peremptory order dated 20.4.2017. Accordingly, the M.C.C. is allowed and MAC No.582 of 2017 is restored to its original number.

Sd/-
(Sanjay Agrawal)
Judge