NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 721 of 2017

(Arising out of judgment/order dated 09.11.2016 in MAC No.1482/2016 of the learned Single Judge)

- Shriram General Insurance Company Limited 4th Floor, Maruti Heights, Near Maruti Dealership, G. E. Road, Raipur Chhattisgarh .....(Insurer)

---- Applicant

Versus

1. Smt. Lakhmuna Devi W/o Late Ram Sewak Gupta, Aged About 40 Years R/o Sharda Para Camp - 2, Near Shiv Temple, Kihsan Chowk, Ward No. 23, Power House Bhilai, Police Station Chhawani, District Durg Chhattisgarh. .....(Claimants)

2. Aaditaya Late Ram Sewak Gupat, Aged About 8 Years Minor Under The Natural Guardianship Of Smt. Lakhnuma Devi W/o Late Ram Sewak Gupta (Respondent No. 1) R/o Sharda Para Camp - 2, Near Shiv Temple, Kihsan Chowk, Ward No. 23, Power House Bhilai, Police Station Chhawani, District Durg Chhattisgarh. .....(Claimants)

3. Roshan S/o Late Ram Sewak Gupta, Aged About 6 Years Minor Under The Natural Guardianship Of Smt. Lakhnuma Devi W/o Late Ram Sewak Gupta (Respondent No. 1) R/o Sharda Para Camp - 2, Near Shiv Temple, Kihsan Chowk, Ward No. 23, Power House Bhilai, Police Station Chhawani, District Durg Chhattisgarh. .....(Claimants)

4. Bhuwan Das, S/o Amar Das Sonwani, R/o Resident Of Sanjay Nagar, Tikrapara, Police Station - Tikarapara, Near Hanuman Temple, Raipur District Raipur Chhattisgarh. .....(Driver)..... (Mini Bus No. C. G. 09 B / 5017)

5. Dharam Prakash S/o Late Jaita Gandre, Resident Of Mushvadih, Post Mohara, Police Station Suhela, District Baloda Bazar Chhattisgarh. .....(Owner Mini Bus No. C. G. 09 B / 5017).

---- Respondents

For Appellant	:Shri Sachin Singh Rajput, learned Counsel.
For respondents No. 1, 2 & 3	:Shri Anumesh Verma, Advocate.

Hon'ble Shri Justice Sanjay Agrawal

Order On Board

27/11/2017

1. It is pointed out that respondents No. 4 & 5 were treated as ex parte before the Claims Tribunal. In view of the said fact, service of notice upon respondents No. 4 & 5 is hereby dispensed with.

2. Heard on I.A.No.01/2017, an application for condonation of delay of 244 days in filing this appeal.

3. On due consideration, the application is allowed and the delay of 244 days in filing this appeal is accordingly condoned.

4. Heard on M.C.C. This is a petition for restoration of the MAC No. 1482/2016, which was dismissed for non-compliance of the peremptory order dated 09.11.2016.

5. On due consideration of the submissions of the learned counsel for the applicant and for the reasons stated in the petition, MAC No.1482/2016 dismissed for non-compliance of the peremptory order dated 09.11.2016 is hereby restored to its original number. Sd/-

(**Sanjay Agrawal**)
Judge

Anjani