

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCC No. 961 of 2016**

1. Bishambhar Prasad Verma S/o Ramadhar Verma aged about 55 years, Resident of Durga Chowk, PS Baloda Bazar, District Raipur (MP) now at present District Baloda Bazar, Bhatapara (Chhattisgarh) (Dead)
2. Through Lrs
  1. **(A)** Ravi Verma Male Age - 35 S/o Late Shri Bishambhar Prasad Verma, R/o Hatri Bazar, Main Road, Baloda Bazar, P.S. Baloda Bazar, Revenue And Civil District- Baloda Bazar-Bhatapara, Chhattisgarh
  1. **(B)** Dinesh Verma Male Age - 33 S/o Late Shri Bishambhar Prasad Verma, R/o Hatri Bazar, Main Road, Baloda Bazar, P.S. Baloda Bazar, Revenue And Civil District- Baloda Bazar-Bhatapara, Chhattisgarh
  1. **(C)** Ramesh Verma Male Age - 30 S/o Late Shri Bishambhar Prasad Verma, R/o Hatri Bazar, Main Road, Baloda Bazar, P.S. Baloda Bazar, Revenue And Civil District- Baloda Bazar-Bhatapara, Chhattisgarh

**---- Applicants****Versus**

1. Ku. Sharmila Mandhani D/o Late Goverdhan Das Mandhani, Aged About 17 Years Minor Through Brother Shri Ramdev Mandhani S/o Late Shri Goverdhan Das Mandhani, R/o Shailendra Nagar, Raipur, Revenue And Civil District- Raipur (M.P.) Now Chhattisgarh
2. Ku. Madhu Mandhani D/o Goverdhan Das Mandhani, Aged About 15 Years Minor Through Brother Shri Ramdev Mandhani S/o Late Shri Goverdhan Das Mandhani, R/o Shailendra Nagar, Raipur, Revenue And Civil District- Raipur (M.P.) Now Chhattisgarh
3. Ramanlal S/o Khoru Ram Sahu, Aged About 29 Years R/o Kusmi, P.S. Palari, Revenue And Civil District Raipur (M.P.) Now Chhattisgarh
4. The New India Insurance Company Limited, Through Divisional Manager, Divisional Office Madina Building, Station Road, Revenue And Civil District Raipur (M.P.) Now Chhattisgarh

**---- Respondents**


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| For Applicants    | : Shri Prakash Tiwari, Advocate                                                   |
| For respondents 4 | : Shri Srikumar Agrawal, Sr. Advocate<br>with Shri Anand Kumar Gupta,<br>Advocate |

None for respondents 1 to 3 though served as per office note dated 28.2.2017.

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**HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**  
**ORDER**

**07/03/2017**

1. The instant MCC has been preferred after 26 days of its limitation.
2. Heard on I.A.No.1/2017 for condonation of delay.
3. On behalf of respondent 4, the application is opposed.
4. On due consideration of the reasons mentioned in I.A.No.1/2017 and the arguments advanced on behalf of the applicants, as the applicants have satisfactorily explained the delay of 26 days, the same is allowed. Delay of 26 days in filing the MCC is hereby condoned.
5. Also heard the matter finally.
6. By filing the instant MCC, the applicants had prayed that time granted by this Court while deciding MCC No.196/2016 whereby and whereunder the applicant was granted 30 days time to file appropriate interim application in MA No.1387/1999 under the provisions of Order 22 CPC and other provisions though the applicants had filed the substantial interim application under Order 22 Rule 3 CPC within its limitation, but bonafidely not filed the supportive and corroborative application under Order 22 Rule 9 CPC and also under Section 5 of the Limitation Act. With this, the said MA was not heard further. As the substantive part of the direction was complied and the other 2 interim applications were not filed bonafidely, the same is not intentional and as they want to proceed further in the matter and as the aforementioned 2 interim applications were filed on 9.12.2016, with this, time granted in order dated 24.10.2016 in MCC No. 196/2016 may be extended upto 9.12.2016 so that the said MA may be heard further.

7. The prayer is opposed on behalf of respondent 4.
8. It is submitted on behalf of respondent 4 that they will file their power as required during the course of the day.
9. Perused the order passed by this Court in MCC No. 196/2016 dated 24.10.2016 and the order passed in MA No. 1387/1999 dated 13.12.2016.
10. On due consideration, this MCC is hereby allowed. The time granted in MCC No. 196/2016 in filing the interim applications under Order 22 CPC and other provisions is hereby extended till 9<sup>th</sup> December, 2016 i.e. the date on which other 2 aforementioned supportive applications were also filed in the said MA in support of application under Order 22 Rule 9 CPC filed earlier within limitation.
11. It is directed that the said MA be now heard on the aforementioned 3 interim applications.
12. Parties are directed to remain present for further hearing of the said MA No. 1387/1999 on 22<sup>nd</sup> March, 2017.
13. Registrar (Judl ) is directed to list the said MA No. 1387/1999 on 22<sup>nd</sup> March 2017 for further hearing as the time granted is extended as aforementioned.
14. Copy of the order be placed in MA No. 1387/1999.
15. The MCC is disposed of. Sd/

**(Chandra Bhushan Bajpai)**  
**JUDGE**