

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 151 of 2017**

- The Oriental Insurance Company Limited Through Its Divisional Rajiv Plaza, Bus Stand, Bilaspur, Tahsil And Zilla Bilaspur, Chhattisgarh(Non-Appellant No.3)

---- Applicant**Versus**

1. Akhilesh Sharma S/o Narendra Sharma, Aged About 24 Years R/o Yadunandan Nagar, Thana Civil Lines, Tahsil And Zila Bilaspur, Chhattisgarh(Claimant No.1)
2. Santosh Kumar S/o Jagdish Kerketta, R/o Village Thalee, Thana Rola, Tahsil And Zilla Jashpur, Chhattisgarh, Other Address Through Sun Body Ring Road No.02, Tatibandh Raipur, Zilla Raipur, Chhattisgarh, (Present Driver Of The Vehicle Truck No. C.G.04-J-5098 / Non-Appellant No.1)
3. Anand Kumar Chowkse S/o Shri C.L.Chowkse, R/o Through Sun Body Ring No. 02, Tati Bandh Raipur, Zilla Raipur, Chhattisgarh(Non-Appellant No.2)

---- Respondents

For Applicant : Smt. Chitra Shrivastava, Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20/02/2017**

1. The instant MCC has been preferred after 37 days of its limitation.
2. On due consideration after hearing on I.A.No.1/2017 for condonation of delay in filing the MCC and for the reasons mentioned in I.A.No.1/2017 and the arguments advanced, this Court is of the considered view that the applicant had satisfactorily explained the delay of 37 days in filing the instant MCC. Consequently, I.A.No.1/2017 is allowed. Delay of 37 days in filing the MCC is hereby condoned.
3. Heard the matter finally.

4. Learned counsel for the applicant made statement before the Court that the default pointed out by the Registry in MAC No. 657/2010 which was dismissed on a peremptory order 27.10.2016, the said default has already been cured though after limitation given in the said MCC vide order dated 27.10.2016, hence, as the default has already been removed, the MCC may be allowed and the said MAC may be restored for hearing.

5. The statement of learned counsel for the applicant is recorded.

6. The instant MCC is hereby disposed of on the basis of statement made by learned counsel for the applicant. If the default has been removed in the said MAC then only the MAC be restored to its original number. If the statement is not as required, the order passed in the instant MCC shall lose its efficacy. With this condition, the MCC is hereby disposed of.

Sd/

(Chandra Bhushan Bajpai)
Judge