

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 113 of 2017**

1. Mohar Singh S/o Late Sardar Devi Denamal, Aged About 70 Years
R/o Ambikapur, Sheela Tent House, Mahamaya Road, Ambikapur,
District Surguja, Chhattisgarh
2. Smt. Lily Arora W/o Late Daljeet Singh, Aged About 27 Years R/o
Ambikapur, Sheela Tent House, Mahamaya Road, Ambikapur,
District Surguja, Chhattisgarh
3. Naveen Arora S/o Late Daljeet Singh, Aged About 7 Years Minor
Through Natural Guardian Mother Appellant No.2 (Smt. Lily Arora)
R/o Ambikapur, Sheela Tent House, Mahamaya Road, Ambikapur,
District Surguja, Chhattisgarh
4. Lavleen Arora D/o Late Daljeet Singh, Aged About 2 Years Minor
Through Natural Guardian Mother Appellant No.2 (Smt. Lily Arora)
R/o Ambikapur, Sheela Tent House, Mahamaya Road, Ambikapur,
District Surguja, Chhattisgarh

---- Applicants

Versus

1. Atul Kumar Mishra Occupation Jeep Owner, R/o Chandani Chowk,
Mayapur, Police Station And Tahsil Ambikapur, District Surguja,
Chhattisgarh
2. Lakhan Ram S/o Nan Say, Occupation Driver, R/o Nawagarh, Police
Station And Tahsil Ambikapur, District Surguja, Chhattisgarh
3. Oriental Insurance Company Limited, Through: Branch Manager,
Oriental Insurance Company, Near State Bank, Sadar Road,
Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Applicants : Shri Raghvendra Verma,
Advocate

Respondents not noticed.

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI

ORDER

06/02/2017

1. Heard on I.A.No. 1/2017 for condonation of delay in filing the
instant MCC as it has been preferred after 46 days of its limitation.

2. After perusal of the entire material, this Court is of the considered view that the applicants have satisfactorily explained the delay of 46 days in filing the MCC, with this, I.A.No.1/2017 is allowed.

3. Delay of 46 days in filing the MCC is condoned.

4. Also heard the instant matter finally.

5. The MCC has been preferred after an order passed in MA No. 177/2001 dated 25.10.2016 wherein the appellants/present applicants were granted 2 weeks time to file appropriate application for deletion of the name of respondent 2- Lakhan Ram, failing which, the MA was ordered to be dismissed without further reference to the Bench. As there was a peremptory order, the said MA stands dismissed on a peremptory order on account of not filing the said interim application in time.

6. Learned counsel for the applicants would submit that if 7 days time is granted, they shall file the appropriate interim application as per order dated 25.10.2016 in the said MA and with this the applicants shall cure the default on the basis of which the said MA was dismissed.

7. On due consideration, looking to the entire facts surfaced and for the reasons that the applicants are appellants in the said MA, the matter is pending since last 16 years and by the fault of the applicants they could not get an appreciation in the said MA, a last opportunity is granted to the applicants in the matter.

8. Consequently, the instant MCC is hereby disposed of and

allowed on a pre-condition that if the applicants/appellants file application in the said MA No.177/2001 as directed vide order dated 25.10.2016 within 7 days from today then only, the said MA be restored to its original number. If the applicants fail to file such application in the said MA, the order passed in the instant MCC shall loses its efficacy.

9. The MCC stands disposed of. **Sd/**

(Chandra Bhushan Bajpai)
JUDGE