

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Civil Case No.260 of 2017**

- Oriental Insurance Company Limited Through The Branch Manager, Branch Office- Hotel Laxman, Avenue Medical College Road, Jagdalpur, District- Bastar, (Chhattisgarh)

---- Applicant**Versus**

1. Champa Sikander W/o Late Prashant, Aged About 25 Years R/o Village Jugani Camp, Post Jugani Kalar, Tahsil Farasgaon, District Kondagaon, Chhattisgarh
2. Piyu Sikander, S/o Late Prashant Sikander, Aged About 1 Years Minor, Through Legal Guardian Mother Smt. Champa Sikander, R/o- Village- Jugani Camp, Post- Jugani Kalar, Tahsil- Farasgaon, District- Kondagaon, (Chhattisgarh).
3. Mahendra Sikander, S/o Late Shivcharan Sikander, Aged About 65 Years R/o- Village- Jugani Camp, Post- Jugani Kalar, Tahsil- Farasgaon, District- Kondagaon, (Chhattisgarh).
4. Geeta Sikander, W/o Sikander, Aged About 55 Years R/o- Village- Jugani Camp, Post- Jugani Kalar, Tahsil- Farasgaon, District- Kondagaon, (Chhattisgarh)
5. Laxman Das Karamchandani, S/o Late Devan Das Karamchandani, R/o- Maharani Ward, Shiva Tent House, Behind F.C.I. Godown, Bodhghat, District- Bastar, (Chhattisgarh).
6. Kalavati Karamchandani, W/o Laxman Das Karamchandani, R/o- Maharani Ward, Shiva Tent House, Behind F.C.I. Godown, Bodhghat, District- Bastar, (Chhattisgarh)

---- Respondents

For applicant	: Shri Goutam Khetrapal, Advocate
For respondents	: Not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.4.2017.**

Heard on IA No.02/17 for exemption from filing affidavit.

2. On due consideration, the same is allowed and the applicant is exempted from filing the affidavit as prayed in the application.

3. Also heard on IA No.01/17 for condonation of delay in filing the instant MCC as the same has been preferred after 28 days of its limitation.

4. On due consideration of the reasons mentioned in the application and the arguments advanced, the applicant has satisfactorily explained the delay in filing the instant application.

5. Consequently IA No.01/17 is hereby allowed and the delay of 28 days in filing the application is hereby condoned.

6. Also heard the matter finally.

7. Learned counsel for the applicant would submit that respondents were not noticed in the hearing of MAC No.1168/2016, hence, the instant MCC may be disposed of without even noticing the respondent. He further submits that MAC No.1168/2016 was dismissed against a peremptory order dated 11.01.2017 as the applicant failed to remove the default within the stipulated time in the said MAC and the same was dismissed accordingly.

8. Learned counsel for the applicant undertakes to remove the default within ten days from today.

9. Statement made on behalf of the applicant is recorded.

10. On due consideration, instant MCC is allowed. MAC No.1168/2016 dismissed on a peremptory order dated 11.01.2017 is restored to its original number subject to pre-condition that the applicant shall remove the default within ten days from today.

11. It is observed that if the default is not removed within the stipulated time, as directed above, the order of restoration of MAC No.1168/2016 shall loose its efficacy.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE