

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 388 of 2017**

Bajaj Allianz General Insurance Company Limited Through Divisional Manager, Mova Raipur, At Present Shivmohan Bhawan, Vidhan Sabha Road, Pandri, Civil And Revenue District Raipur, CG(Insurer Of Motor Cycle No. C.G.-04-D Q-2044)

---- Appellant/applicant**Versus**

1. Mahmood Ali S/o Manovar Ali, Aged About 60 Years
2. Aashmina B W/o Mahmood Ali, Aged About 57 Years

Both R/o Village Risda, Police Station And Tehsil Balodabazar, District-Balodabazar-Bhatapara, Chhattisgarh(Claimants)

3. Sitaram Yadav S/o Manvishram Yadav, Aged About 60 Years R/o Koshraji, Police Station Kharora, District Raipur Chhattisgarh, Present Address- Gurdhyari, Sukravari Bazaar, Civil And Revenue Dist. Raipur, Chhattisgarh(Owner Of Motor Cycle No. C.G.-04-D Q-2044)
4. Shakunnat B W/o Dada Ali, Aged About 33 Years
5. Abida Ali S/o Dada Ali, Aged About 19 Years
6. Aabid Ali S/o Dada Ali, Aged About 14 Years
7. Aashif Ali S/o Dada Ali, Aged About 12 Years Minor, Respondent No. 6 and 7 through their Mother & Natural Guardian Res. No.4 Shakunnat B. R/o Village Risda, Police Station And Tahsil Baloda Bazaar, District Balodabazaar-Bhatapara, Chhattisgarh

---- Respondents

For applicant	Mr. Rohitaswa Singh, Adv.
For Respondent/State	not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****19/05/2017**

1. Instant MCC has been preferred within its limitation. It is admitted for consideration.
2. Learned counsel for the applicant submits that as MAC No. 550/2016 was dismissed on a peremptory order dated 8-3-2017 whereby the applicant/appellant was granted two weeks more time to file suitable application regarding substitution of LR's of R-3 if any in the matter and as the applicant/appellant failed to file such application within the

time granted, the said MAC stood dismissed without reference to the bench as per order dated 8-3-2017. As the said direction and opportunity was not in connection with any of the respondents hence the matter may be heard finally even without noticing the respondents.

3. As prayed, the matter is heard finally.
4. Learned counsel for the applicant submits that if time is granted, the applicant will remove the default by filing suitable application aforementioned within a week from today but due to vacation there is remote possibility that the applicant could serve copy of the said application to the learned counsel for the respondents No. 4, 5, 6 and 7 hence if he is exempted from serving the copy of the said application to learned counsel for R-4 to 7 he will be in a position to file the aforementioned application within a week hence the matter may be disposed of accordingly.
5. Perused the matter.
6. Instant MCC is hereby allowed with the condition precedent that the applicant shall file suitable application as aforementioned in the MAC No. 550/2016 within a week from today and he is exempted to serve the copy of the said application within a week to the learned counsel for R-4, 5, 6 and 7. Copy of the application be served to the respective counsel of the respondents on their availability. If learned counsel is not available, a declaration to this effect be given in the application. If the applicant fulfills this direction then only the MAC No. 550/2016 shall be restored to its original number. If the applicant fails to comply with the direction given in this MCC, then this order shall loose its efficacy.
7. The instant MCC is accordingly disposed of.

Sd/-
(Chandra Bhushan Bajpai)
Judge