

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 121 of 2017**

1. Smt. Nisha Gupta W/o L.K.Gupta, Aged About 44 Years
2. L.K.Gupta S/o R.L.Gupta, Aged About 50 Years R/o New Rajendra Nagar, Vijeta Complex, Raipur, Distt. Raipur, CG(Claimants)

---- Appellants**Versus**

1. Rameshwar S/o Amrit Rao Bhaiyaji Mankar, Through Dubey Travels Station Road, Near Fafadih Chowk, Raipur, Distt. Raipur, CG.....(Driver/ N.A.01)
2. M/s Dubey Delears, Dubey Travels, Station Road, Near Fafadih Chwok, Raipur, District Raipur, CG(Owner/ N.A.02)
3. National Insurance Company Limited, Through Divisional Manager, National Insurance Company Limited G.E.Road, Raipur, CG(Non-Applicant No.3/ Insurer)
4. Rohit Kumar Sahu S/o Kondaram Sahu, R/o Cherikhedi, Police Station- Mandir Hasaud, Distt. Raipur, CG(Non-Applicant No.4/ Owner And Driver Of Auto Vehicle)
5. Oriental Insurance Company Limited, Through Divisional Manager, Branch No.1 Kachahari Chowk, Jail Road, Raipur, Distt. Raipur, CG(Non-Applicant No.5/ Insurance Company Of Auto Vehicle)

---- Respondents

For applicants : Ms. Indira Tripathi, Adv.

ORDER**9/2/2017**

1. Heard on I.A. 1/2017 for condonation of delay in filing instant MCC as the same has been preferred after 14 days of its limitation.
2. On due consideration for the reasons mentioned in the I.A. No. 1/17 and the arguments advanced, this court is of the considered view that the applicants have satisfactorily explained the cause of delay. Therefore, I.A. No. 1/17 is allowed. Delay in filing the MCC is condoned.
3. Also heard the MCC finally.
4. Learned counsel for the applicants submits that MAC No. 1539/2016 was dismissed on a peremptory order dated 22-11-2016 as the applicant could not remove the default in the said MAC within the time granted by the Court. It is submitted that the

applicants have removed the default but after the time granted by the Court vide order dated 22-11-2016. She will file an application for extension of time to remove the default by 10-2-2017 in the said MAC. With this as the respondents were not noticed in the said MAC this MCC may be allowed granting aforesaid opportunity.

5. Perused the record.
6. On due consideration, instant MCC filed by the applicants/ appellants is hereby allowed subject to the condition that the applicants shall file an application for extension of time to remove the default in MAC No. 1539/2016 by 10-2-2017. If the applicants file such application in the said MAC, the said MAC be restored for hearing to its original number. If said application as prayed is not filed in the said MAC by 10-2-2017, this order shall loose its efficacy.
7. With this direction, instant MCC is disposed of and allowed.

Sd/-

(Chandra Bhushan Bajpai)
Judge