

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 266 of 2017**

Shriram General Insurance Company Ltd. Through Divisional Manager,
Divisional Office, Fourth Floor, Maruti Heights, Raipur, Mohba Bazar,
G.E.Road, Raipur, District Raipur, Chhattisgarh(Insurer Of
Offending Vehicle Tractor Engine No. C.G.04 D B 2861 And Trolley No.
C.G.04 D A 5954)

---- Applicant**Versus**

1. Smt. Hemin Yadav W/o Late Ganguram Yadav, Aged About 38 Years
2. Dulesh Yadav S/o Late Ganguram Yadav, Aged About 21 Years
3. Duleshwari Yadav D/o Late Ganguram Yadav, Aged About 19 Years
4. Kala Yadav D/o Late Ganguram Yadav, Aged About 17 Years Minor
Through Natural Guardian Mother Smt. Hemin Yadav, Aged About 38
Years W/o Late Ganguram Yadav,

All R/o Village Pataiband, Police Station Rajim, District Gariaband,
Chhattisgarh(Claimants)

5. Dadulal Chandrakar S/o Ghasuram Chandrakar, Aged About 47 Years
R/o Village Khaul, Police Station Arang, District Raipur,
Chhattisgarh(Driver Of Offending Vehicle Tractor Engine No.
C.G.04 D B 2861 And Trolley No. C.G.04 D A 5954)
6. Ghanshyam Chandrakar S/o Balluram Chandrakar, Aged About 31
Years R/o Village Palaud, Police Station Arang, District Raipur,
Chhattisgarh(Owner Of Offending Vehicle Tractor Engine
No. C.G.04 D B 2861 And Trolley No. C.G.04 D A 5954)

---- Respondents

For applicant	:	Mr. Pankaj Agrawal, Adv.
For Respondent/State	:	Not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04/04/2017**

1. Heard on I.A. No. 1/2017 for condonation of delay in filing the
instant MCC as the instant MCC has been preferred after 6 days of its
limitation.
2. On due consideration for the reasons mentioned in the I.A. No.
1/2017 and the arguments advanced, this court is of the considered
view that the applicant has satisfactorily explained the delay of 6 days
in filing instant MCC. Hence I.A. no. 1/17 is allowed and delay is
condoned.

3. Learned counsel for the applicant submits that as the respondents were not noticed in the said MAC. No. 73/2017, hence instant MCC may be disposed of without even noticing to the respondents.
4. As prayed, heard finally.
5. Learned counsel for the applicant submits that MAC No. 73/2017 was dismissed on a peremptory order dated 16-1-2017 as the applicant could not remove the default within the stipuated time granted vide order dated 16-1-2017 but they have removed the default in the said MAC.
6. Statement of the learned counsel is recorded.
7. On due consideration, instant MCC is hereby allowed. MAC No. 73/2017 dismissed due to peremptory order dated 16-1-2017 is restored to its original number subject to the condition that the default in the said MAC was already cured. It is further directed that if the default is not cured as submitted by learned counsel for the applicant, this order shall loose its efficacy.
8. With this condition, MCC is hereby allowed.

Sd/-
(Chandra Bhushan Bajpai)
Judge