

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC No. 184 of 2018**

The New India Assurance Company Limited, Branch Office-Kamthi Line, Rajnandgaon, Chhattisgarh, Through Divisional Office, Thakkar Chamber G.E.Road, Power House, Bhilai, Tahsil And District Durg Chhattisgarh.

---- **Appellant**

Versus

1. Ku. Bharti Mandawi @ Bharti Kumari D/o Late Shankar Lal Mandawi, Aged About 38 Years, R/o Village And Post Naragaon, P.S. And Tahsil Gurur, District Durg Chhattisgarh.
2. Salik Ram Yadav, Aged About 45 Years, Manager, Krishna Borewells Kamthi Line, Rajnandgaon, Chhattisgarh.
3. State Of Chhattisgarh, Raipur, Through Secretary, Public Health Engineering Department, Mantralaya, Raipur, Chhattisgarh (Chief Employer Of Deceased Madhusudan Mandawi).
4. Superintendent Engineer, Public Health Engineering Department, Mahasamund, District Mahasamund, Chhattisgarh.
5. Shri Krishna Company, Marg-2, (CG)-Zone-1, New Aadarsh Nagar, District Durg, Chhattisgarh (Owner Of Vehicle Borewell No. C.G.07-D-2099).
6. Smt. Aasin Bai Netam W/o Shri Bhagirathi Netam, R/o Barkachhar, P.S. Charama, Tahsil Charama, District Kanker, Chhattisgarh.

--- **Respondents**

For appellant/Insurance Company : Shri Azad Siddique, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board**

06/03/2018

1. Present MCC has been filed seeking for restoration of MAC No.962/2009 which got dismissed by this Court on 22/09/2017 for want of prosecution.
2. The MCC has been filed with a delay of 128 days along with an application for condonation of delay i.e. I.A.No.1.
3. Finding the reasons assigned in the said application to be satisfactory, I.A.No.1 is allowed and delay of 128 days in filing the MCC stands condoned.
4. Also heard on merits.
5. Taking into consideration the entire facts and circumstances of the case so also the reasons assigned in the application and finding them to be satisfactory, the MCC also deserves to be and is accordingly allowed.
6. MAC No.962/2009 stand restored to its original number.
7. The present MCC accordingly stands allowed and disposed off.
8. List the appeal for further hearing on the day after tomorrow.

Sd/-

(P. Sam Koshy)
Judge