

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 633 of 2016**

- The National Insurance Company Limited Division Office, Bilaspur, Priyadarshni Nagar, Vyapar Vihar Road, Bilaspur, Chhattisgarh

---- Applicant**Versus**

1. Amarnath Sharma S/o Devicharan Pandit, Aged About 52 Years Caste- Brahman, R/o Village Kansabel, Tahsil Kansabel, District Jashpur, Chhattisgarh
2. Rajkishore Prasad Jaiswal S/o Late R.S. Sahu, R/o Ranibagicha, Rourkela Road, District Sundergarh (Orissa)
3. Antonis (Chhandu) S/o Chuiya Ram, Aged About 35 Years Caste- Uraon, R/o Patthalgaon, Tahsil Patthalgaon, District Jashpur, Chhattisgarh

---- Respondents

For Applicant	:	Shri Qamrul Aziz, Advocate
For Respondent No.1	:	Shri J.K. Saxena, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/01/2018**

1. This is an application for restoration of MA (C) No.379/2012 which was dismissed for want of prosecution vide Court order dated 16.04.2015.
2. Learned counsel for the applicant submits that 50% of the awarded amount has been deposited and the same has been withdrawn by the claimants. He would further submit that the plausible reasons have been assigned in the application to set aside the dismissal order, consequently, the appeal may be heard on merits and the dismissal order dated 16.04.2015 may be set aside.
3. Perused the reasons assigned in the application. It appears that the reasonable grounds have been cited. Considering the same, I am inclined

to allow this application. Accordingly, dismissal order dated 16.04.2015 is set aside and MA (C) No.379/2012 is directed to be restored to its original number. It is further clarified that the amount deposited by the applicant herein which has been withdrawn by the claimants shall not be affected by setting aside of the dismissal order. It would be subject to the final adjudication of the appeal.

4. With such observation, the MCC stands disposed of.

Sd/-
Goutam Bhaduri
Judge

Ashu