

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 785 of 2019**

- ICICI Lombard General Insurance Company Limited, Through Its Legal Manager, ICICI Lombard General Insurance Company Limited, Ground Floor, Vanijya Bhawan, Devendra Nagar Road, Divendra Nagar, District-Raipur, Chhattisgarh.

----Applicant**Versus**

1. Smt. Rajni Yadav, W/o Late Shri Laxman Yadav, Aged About 53 Years
2. Smt. Anusuiya Bai, W/o Late Shri Virendra Yadav, Aged About 27 Years
3. Paras Yadav S/o Late Shri Virendra Yadav Aged About 5 Years, 6 months
4. Kumari Lekhikha Yadav, D/o Late Shri Virendra Yadav, Aged About 3 Years, 4 months

Respondent Nos. 3 & 4 being minor are being represented through their natural guardian being their Mother- Smt. Anusuiya Bai (Res. No. 2),

All R/o Near Shiv Mandir, Sadhu Kutti, Balco Nagar, Korba, Tehsil And District- Korba, Chhattisgarh.

5. Setram Sahu S/o Shri Anant Ram, Aged About 45 Years, R/o House No. 561, Ward No. 31 Nehru Nagar, Parsa Bhata, Balco Nagar, Korba, Tehsil And District- Korba, Chhattisgarh.

---- Respondents

For Applicant	Ms. Pratibha Das, Advocate on behalf of Mr. Amrito Das, Advocate.
For Respondent	Mr. C.P. Lahre, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

05/09/2019

1. Heard on I.A. No.1.
2. This is an application for condonation of delay of 281 days in filing the MCC.
3. By way of this application, the applicant/Insurance Company has

sought restoration of MAC No.141 of 2014 which was dismissed for want of prosecution by this Court on 03.10.2018 and that fact was in the knowledge of appellant's counsel on the same day but he applied for certified copy on 07th August, 2019.

4. Thus, considering the negligent attitude of the appellant in contesting the case where despite an appeal being pending since 2014, he did not argue the matter on repeated calls by this Court and for the fact that the instant MCC is filed with a delay of 281 days without offering any justifiable and sufficient cause for condonation thereof, there is no ground to condone the delay in filing the MCC.
5. Accordingly, the application (IA No.1) is rejected and consequently MCC stands dismissed.

Sd/-
Gautam Chourdiya
Judge