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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE ROOPESH CHANDRA VARSHNEY**

ON THE 9th OF JANUARY, 2024

MISC. CIVIL CASE No. 1784 of 2022

BETWEEN:-

1. **SMT. NINDAR KAUR, W/O LATE SHRI OMPRAKASH MEHRA, AGED ABOUT 45 YEARS, R/O ASHOK VIHAR COLONY CHINORE ROAD DABRA DISTRICT-GWALIOR AT PRESENT R/O GOVINDPURI, POLICE STATION- UNIVERSITY, DISTRICT- GWALIOR (MADHYA PRADESH)**
2. **RAJNI KAUR D/O LATE SHRI OMPRAKASH MEHRA, AGED 22 YEARS R/O ASHOK VIHAR COLONY CHINORE ROAD DABRA DISTRICT-GWALIOR AT PRESENT R/O GOVINDPURI, POLICE STATION- UNIVERSITY, DISTRICT- GWALIOR (MADHYA PRADESH),**
3. **VIKRAM SINGH, S/O LATE SHRI OMPRAKASH MEHRA, AGED 21 YEARS, R/O ASHOK VIHAR COLONY CHINORE ROAD DABRA DISTRICT-GWALIOR AT PRESENT R/O GOVINDPURI, POLICE STATION- UNIVERSITY, DISTRICT- GWALIOR (MADHYA PRADESH)**
4. **LAXMI @ KHUSHBU, D/O LATE SHRI OMPRAKASH MEHRA, AGED 21 YEARS, OCCUPATION: STUDENT, R/O ASHOK VIHAR COLONY CHINORE ROAD DABRA DISTRICT-GWALIOR AT PRESENT R/O GOVINDPURI, POLICE STATION- UNIVERSITY, DISTRICT- GWALIOR (MADHYA PRADESH)**
5. **AMAN (MINOR U/G MOTHER SMT. NINDAR KAUR) S/O LATE SHRI OMPRAKASH, AGED 17 YEARS, R/O ASHOK VIHAR COLONY CHINORE ROAD DABRA DISTRICT-GWALIOR AT PRESENT R/O GOVINDPURI, POLICE STATION- UNIVERSITY, DISTRICT- GWALIOR (MADHYA PRADESH),**

.....APPLICANTS

(BY SHRI U.K. SHRIWAS- ADVOCATE)

AND

1. **MAAN SINGH @ CHHUTTAN, S/O SHRI BALWANT SINGH, AGED 33 YEARS, OCCUPATION: DRIVAR, R/O GORAGAON POLICE STATION- GORAGHAT, DISTRICT-DATIA (MADHYA PRADESH)**
2. **KISHAN LAL GUPTA, S/O SHRI RAMJI LAL GUPTA, AGED 50 YEARS, R/O HOUSE NO. 54, VINAY NAGAR SECTOR-3 URWAI GATE, DISTRICT- GWALIOR (MADHYA PRADESH)**
3. **BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD. SETLINGH BRACH, P-5 GREEN GARD ROAD, S.P. OFFICE KE PICHE, CITY CENTER (MADHYA PRADESH)**

.....RESPONDENTS

(NONE FOR THE RESPONDENTS)

This application coming on for admission this day, the court passed the following:

ORDER

Heard on I.A. No.3253/2022, an application under Section 5 of Limitation Act for condonation of delay.

For the reasons stated in the application, IA No.3253/2022 is allowed and delay is hereby condoned.

Heard on the main application.

The instant application has been moved for restoration of M.A.No.337/2012, which stood dismissed for non-compliance of common conditional peremptory order dated 16/06/2015.

For the reasons assigned in the application, which is supported by an affidavit, sufficient cause is made out for restoration of M.A.No.337/2012. Hence, the application is allowed and M.A.No.337/2012 is restored to its original number for being adjudicated on its own merits. However, it is made clear that the period during which M.A.No.337/2012 remained dismissed in default, shall not be counted for the purpose of interest, if appeal succeeds in

future.

Accordingly, this MCC stands **allowed**.

A copy of this order be placed in the record of M.A.No.337/2012.

(ROOPESH CHANDRA VARSHNEY)
JUDGE

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