

1
**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. 2367 of 2023

BETWEEN:-

1. SMT POOJA SEN, W/O SHRI SANJEEV KUMAR SEN, AGED 33 YEARS, R/O WARD NO.27, BEHARA PANDIT SANTAR MORAR, GWALIOR (MADHYA PRADESH)
2. SANJEEV KUMAR SEN, S/O SHRI LALTA PRASAD SEN, AGED 35 YEARS, R/O WARD NO. 27, BEHARA PANDIT SANTAR, MORAR, GWALIOR (MADHYA PRADESH)

.....APPLICANTS

(BY SHRI GYAN SINGH YADAV- ADVOCATE)

AND

1. GOVIND SINGH, S/O BALRAM SINGH, OCCUPATION- TRUCK DRIVER NO.UP14-AH-9562, R/O JINSI NALA NO.1 LASHKAR, GWALIOR (MADHYA PRADESH)
2. COMMISSIONER, MUNICIPAL CORPORATION, GWALIOR COMMISSIONER OFFICE, CITY CENTER, GWALIOR- OWNER TRUCK NO.UP14-AH-956 (MADHYA PRADESH)
3. THE NATIONAL INSURANCE CO. LTD. THROUGH DIVISIONAL MANAGER OFFICE AT JAYENDRA GANJ LASHKAR GWALIOR (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.5687/2023, an application under Section 5 of Limitation Act for condonation of delay.

For the reasons stated in the application, IA No.5687/2023 is allowed and delay is hereby condoned.

The instant application has been moved for restoration of M.A.No.1461/2020, which stood dismissed for non-compliance of the common conditional peremptory order dated 06/09/2021.

For the reasons assigned in the application, which is supported by an affidavit, sufficient cause is made out for restoration of M.A.No.1461/2020. Hence, the application is allowed and M.A.No.1461/2020 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.1461/2020 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.1461/2020.

(ROOPESH CHANDRA VARSHNEY)
JUDGE

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