



2025:CGHC:39463



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 310 of 2024

1 - Shankar Paikra S/o Peskar Paikra Aged About 48 Years, present age 51 years (wrongly mentioned in trial Court record) R/o Village Navadih, Piyartoli, Post Chando, P.S. Chando, District Balrampur (C.G.)

2 - Smt. Kunti Paikra W/o Shankar Paikra Aged About 40 Years R/o Village Navadih, Piyartoli, Post Chando, P.S. Chando, District Balrampur (C.G.) - (Parents of the deceased)

... Applicants

versus

1 - Sanjay Gupta S/o Shri Bachu Prasad Gupta Aged About 40 Years P.S. Balrampur, District Balrampur Ramanujganj (C.G.) (Owner Of Offending Swaraj Tractor Bearing Registration No. CG 15 DB 4634) (Non-applicant No.1)

2 - Jhekra S/o Bilkhau Paikra Aged About 17 Years R/o Village Navadih, Piyartoli, Post Chando, P.S. Chando, District Balrampur (C.G.) (Driver Of Offending Swaraj Tractor Bearing Registration No. CG 15 DB 4634) (Non-applicant No.2)

3 - Chola Mandlam M.S. General Insurance Company Branch Bilaspur Vyapar Vihar Main Road, Near Vinayak Netralaya, Bilaspur, District Bilaspur (C.G.) (Insurance Company Of Offending Swaraj Tractor Bearing Registration No. CG 15 DB 4634, Insurance Policy Valid From 01-12-2024 To 30-11-2019) (Non-applicant No.3)

... Respondents

For Applicants : Shri Gopal Swaroop Gupta, Advocate.

For Respondents : None.

(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Order on Board

07/08/2025

1. Heard on I.A.No.01/2024 & I.A.No.02/2025 for condonation of delay of 53 days in filing the M.C.C. for restoration.



2. On due consideration and for the reasons stated therein, the applications are allowed and the delay of 53 days is condoned.
3. Heard on M.C.C. for restoration of MAC No. 1905 of 2023. Counsel for the appellant submits that MAC No.1905/203 was listed on 22.11.2023, on which date, a peremptory order was passed that if the defaults as pointed out by the Registry are not removed within stipulated, then the said MAC would be dismissed without further reference to the Bench. Now, the defaults as pointed out by Registry in this M.C.C. are reported to be removed by the party.
4. Considering the submission of the learned counsel for the appellant and further considering the reasons stated in the M.C.C. for restoration, I am inclined to allow the M.C.C.
5. Accordingly, M.C.C. is allowed and MAC No.1905/2023 is restored to its original number. Counsel for the appellant is further granted 2 weeks time to remove the defaults as pointed out by the Registry in said MAC.

Sd/-
(Radhakishan Agrawal)
JUDGE