



10

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**DIVISION BENCH**

**CORAM:** HON'BLE SHRI RAJEEV GUPTA, C.J.  
HON'BLE SHRI SUNIL KUMAR SINHA, J.

**M.C.C. No.407 of 2009**

**Applicants**  
**Appellants**  
**Claimants**

- 1 Smt. Saida Begum,  
W/o Shri Abdul Hakim,  
Aged about 55 years.
- 2 Abdul Hakim, S/o Late Abdul Karim,  
Aged about 58 years, (not mentioned in  
the award) Both are R/o H.No. 7/205  
Mehbubiya Chowk, in front of Narendra  
Street Cover, Baijnath Para, Raipur  
(C.G.)

**VERSUS**

**Respondents**  
Driver

Owner

Insurer

- 1 Anil Singh Yadav, S/o Balvir Singh,  
aged about 30 years, R/o 26 Trimurti  
Nagar, Behind Maila Maidan, Gwalior  
(MP)
- 2 Abdul Gajnfar Kadiri, S/o Abdul Aziz  
Kadiri, R/o Uved Nagar, Ekta Colony,  
Near Bade Pool, Kukadajagat,  
Chhindwada, Tehsil and District  
Chhindwada (MP)
3. The New India Insurance Co. Ltd,  
Bhutani Complex, Power House, GE  
Road, Bhilai, Distt. Durg
4. Smt. Shahin Sheikh, Wd/o Abdul  
Shahid, Aged about 34 years, R/o MIG  
07 Padamnabhpur, Durg, P.S. City  
Kotwali, Durg (CG)

**APPLICATION FOR RESTORATION OF MISC. APPEAL (C) NO.**  
**142 OF 2009.**

Present: Ms Farah Minhaz, counsel for the petitioners.

**ORDER**  
**(25<sup>th</sup> September, 2009)**

The following order of the Court was passed by  
**Rajeev Gupta, C.J.**



(11)

Ms Farah Minhaz, learned counsel for the petitioners is heard on the restoration petition.

2) The petitioners are seeking restoration of M.A.C. No.142/2009, which was dismissed for want of prosecution vide order dated 10.09.2009.

3) On due consideration of the submissions of learned counsel for the petitioners and the grounds taken in the restoration petition, we are satisfied that the absence of the petitioners'/appellants' counsel on 10.09.2009 when M.A.C.No.142/2009 was taken-up for hearing was based on *bona fide* grounds.

4) M.C.C.No.407/2009, therefore, is allowed and M.A.C. No.142/2009 is restored to its original number.

Sd/-  
Chief Justice

Sd/-  
Sunil Kumar Sinha  
Judge

subbu