

HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI RAJEEV GUPTA, C.J. &
HON'BLE SHRI RANGNATH CHANDRAKAR, J.

M.C.C. No. 445 of 2011

Applicants

1. Naresh Sahu, age 45 yrs, s/o late Sohan Lal Sahu,
2. Smt. Meena Sahu, age 40 yrs, w/o Shri Nareshy Sahu,

Both the above are r/o village Bagataraie, P.S. Gurur, tahsil & distt. Durg C.G.

VERSUS

Respondents

1. Mohit Diwan, age 22 yrs, s/o Gisnu Diwan, r/o village Saloni, P.S. Arjuni, tahsil Nagri distt. Dhamtari C.G.
(Driver of motorcycle No.C.G. /05/B/4929)
2. Gisnu Kavar, s/o Dhanwar Singh Kavar, R/o village Saloni, P.S. Arjuni, tahsil Nagri distt. Dhamtari C.G.
(Owner of motorcycle No.C.G. /05/B/4929)
3. IFFCO-TOKIO General Insurance Company Limited, through Branch Manager, Branch Office at 3rd Floor, Shop No. 345-347, Lal Ganga Shopping Moll complex, G.E. Road, Raipur Tahsil & Distt. Raipur C.G.
(Ins. Com. of motorcycle No. C.G. /05/B/4929)
4. Santosh Sonebar, s/o Naresh Sonebar, r/o village Bagataraie, P.S. Tahsil Gurur distt. Durg C.G.
(Owner of motorcycle No. C.G./05/B/0247)

5. I.C.I.C.I. Lombard General Insurance Company Limited, through Branch Manager-Presiding-Officer, Lal-Ganga Shopping Moll Complex, G.E. Road, Raipur, Tahsil and distt. Raipur C.G.
(Ins. Com. of motorcycle No. C.G./05/B/0247)

Application for restoration of M.A.C.(PR) No. 1313 of 2011

Present: Shri J.A. Lohani, counsel for the petitioners.

ORDER

(29th July, 2011)

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

Shri J.A. Lohani, learned counsel for the petitioners is heard on the restoration petition.

2) The petitioners are seeking restoration of M.A.C.(PR) No.1313 of 2011, which came to be dismissed for want of prosecution vide order dated 28.06.2011.

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 28.06.2011, when M.A.C.(PR) No.1313 of 2011 was taken-up for hearing, was based on *bona fide* grounds.

4). M.C.C. No. 445 of 2011, therefore, is allowed and M.A.C.(PR) No.1313 of 2011 is restored to its original number.

**Sd/-
Chief Justice**

**Sd/-
R.N. Chandrakar
Judge**