

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 677 of 2014

- Laxminath Panara S/o Late Padam Panara Aged About 70 years R/O Pravir Ward, Jagdalpur, Tah. Jagdalpur, Distt. Jagdalpur C.G.

---- Petitioner

Versus

- Ramchandra & Anr. S/o Late Bhagwan Panara Aged About 65 Years R/O Pravir Ward, Jagdalpur, Tah. Jagdalpur, Distt. Jagdalpur C.G.
- State Of Chhattisgarh Thru- District Collector, Bastar, Jagdalpur C.G.

---- Respondent

10/07/2015	Shri Rakesh Thakur, Advocate for the petitioner. Ms. Tuhina Pandey under instruction of Shri BP Sharma, Advocate for respondent No.1. Ms. Pushpa Dwivedi, Panel Lawyer for the State/respondent No.2. Heard on IA No.01/2014 application for condonation of delay in filing the instant MCC. This instant MCC has been preferred after 310 days of its limitation. The reasons mentioned in the application for condonation of delay is that petitioner was not informed by his counsel. After enquiry, he came to know about dismissal of appeal. He would further submit that he was suffering from paralysis and was unable to move properly, and therefore, delay occurred in filing this restoration application be condoned. The application is opposed by the respondents counsel. The Second Appeal No.1059 of 1999 (Laxminath vs. Ramchandra & Anr.) was dismissed for non-prosecution on 11.09.2013. For demonstrating the element of paralysis one OPD ticket dated 08.09.2014 has been submitted. On perusal of such	

ticket it goes to show that about one year prior to issuance of this ticket, the case was dismissed for non-prosecution. Even otherwise, this OPD Ticket is not a medical certificate as to assess the inability of petitioner for not preferring this MCC in time.

No any facts are mentioned regarding appropriate action against the counsel for not informing him about dismissal of case in time.

On due consideration, inordinate delay of 310 days in preferring instant MCC is not satisfactorily explained, and therefore, IA No.01/2014 is dismissed.

Consequently, this MCC is also dismissed as not maintainable. No order as to costs.

SD/-
(Chandra Bhushan Bajpai)
Judge