

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 213 of 2015

- Govind Singh S/o Mithailal Singh, at present Aged About 45 Years R/o New Minis Quarter, Chirmiri, Post Office & Police Station-Chirmiri, Tahsil-Manendragarh, District-Koriya, CG

----Petitioner

Versus

- Smt. Bina Singh W/o Govind Singh, at present Aged About 42 Years, presently R/o Charcha Colliery, Post Office & Police Station- Baikunthpur, Tahsil - Baikunthpur, District-Koriya, CG

----Respondent

For Petitioner	Shri Shivendu Pandya & Shri Tarun Dadsena, Advocates
For Respondent	Shri J.K. Shastri, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

22/09/2015

I.A.No.1

This is an application for condonation of delay.

1. The applicant has filed the application (MCC) for restoration of FA No.102 of 2002, which was dismissed for want of prosecution on 18-10-2010. The MCC is barred by 1546 days.

2. The explanation offered in the application (I.A.No.1) for condonation of delay is to the effect that the counsel engaged earlier failed to appear and no information was sent to the appellant.
3. The respondent has opposed the application on submission that the appellant is an educated person being an employee of the SECL, therefore, it is established that he was negligent in prosecuting the appeal and the enormous delay should not be condoned.
4. Having seen the appears, it would appear that the applicant did not enquire about his case from the counsel for nearly about 4½ years. The applicant has not stated that the counsel fed him wrong information, but his statement is that he enquired about his case from the local counsel. During this 4½ years the applicant never tried to contact his counsel in the High Court. In any case, the affidavit is silent on this aspect of the matter.
5. In the considered opinion of this Court, such enormous delay of 4½ years i.e. 1546 days can be condoned only when sufficient cause is shown to the satisfaction of the Court, however, the applicant being an employee of the SECL appears to be negligent in conducting his case and was callous, therefore, no case for condonation of delay in filing the MCC is made out.

6. Accordingly, the application (I.A.No.1) for condonation of delay in filing the application for restoration of FA No.102 of 2002 is dismissed.
7. Consequently, the application (MCC No.213 of 2015) is dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Gowri