

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 225 of 2015**

Babulal (Died) S/o Badku Satnami Aged About 49 years agriculturist R/o Village- Bundeli, Tehsil Bemetara, District Durg, C.G. Since Died Through Legal Representative Mohan Lal S/o Late Babulal, aged about 67 years R/o Village Bundeli, Tahsil Bemetara, Distt.- Durg, (Now Distt.- Bemetara), Chhattisgarh

---- Applicant**Versus**

1. Atmaram S/o Adhar Aged About 34 Years agriculturist R/o Village- Gidhwa, Tahsil Bemetara (Nawagarh), District Durg (Now District Bemetara), Chhattisgarh
2. State Of MP (now CG) through Collector, Durg (Now District Bemetara), Chhattisgarh

---- Respondent

For applicant	: Mr. Dashrath Prajapati, Adv.
For Respondent No. 1	: Mr. Govind Dewangan, Adv.
For Respondent No. 2/State	: Mr. Roshan Dubey, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****07/07/2015**

1. Heard on I.A. No. 1/15 under Section 5 of the Limitation Act for condonation of delay in filing this MCC.
2. Instant MCC is preferred after 1119 days of its limitation.
3. S.A. No. 382/94 was dismissed for want of prosecution on 9-1-2012. As per submission made in this behalf by the counsel, when the applicant got notice of execution issued by learned trial Court in the month of February, 2015 then only he came to know about dismissal after inquiry on 10-3-2015. Thereafter he applied for certified copy of order dated 9-1-2015 and then filed this MCC for restoration of SA No. 382/94.
4. The MCC is opposed by learned counsel for respondents.
5. The applicant was duly represented in the second appeal. No one appeared on his behalf on 9-1-2012 thereafter also no application for restoration is filed within time. The instant MCC is filed after 1119 days

of its limitation and such a long delay is not properly explained.

6. Therefore I.A. no. 1/15 for condonation of delay in filing the MCC is dismissed. Consequently, MCC is also dismissed as not maintainable.
7. No order as to costs.

Sd/-

Chandra Bhushan Bajpai,
Judge