

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No.1025 of 2015**

Dheeraj Bhosle, S/o. Raghupat Rao Bhosle, R/o. Village Simga, Police Station and Tehsil Simga, district Raipur (CG)

---- Applicant

Versus

Smt. Ranu Bhosle, D/o. Prahlad Rao Jadhav, W/o. Dheeraj Bhosle, aged about 28 years, Present R/o. Geeta Nagar, Bhunupuri, Police station Khamtarai, district Raipur (CG)

---- Respondent

Shri MK Jethani, counsel for the applicant.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order****23.12.2015**

Heard on IA No.01, application under Section 05 of the Limitation Act.

2. On due consideration, the reasons mentioned in the application, the same is allowed and the delay in filing the MCC is hereby condoned.

3. Also heard on instant MCC which is filed against the order dated 14.5.2015 passed in FA No.55/04 wherein the Court has passed order by directing the applicant to remove the default within seven days from the date of passing of the order, failing which the appeal shall stand dismissed without further reference to the Bench. As the applicant failed to remove the default within the stipulated time, the said appeal was dismissed.

4. Learned counsel for applicant submits that in the said appeal notice was not issued for the representation of the respondent, the applicant failed to remove the default within the stipulated time. He

further submits that he may be given an opportunity and First Appeal may be heard on its merits.

5. On due consideration, prayer made in this behalf is allowed. The applicant/appellant is directed to remove the default as pointed out by the Registry in the said first appeal within seven days from now. After removal of the default in the first appeal within the aforesaid stipulated period, the same is restored and directed to be listed for further hearing.

6. The MCC is allowed as above. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE