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HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 116 of 2016**

- Smt. Saroj Agrawal W/o Shri Anand Kumar Agrawal, Aged About 53 Years Proprietor S.K.Lime Products, R/o Bhatapara, Bhagat Singh Ward Bhatapara, District Baloda Bazar-Bhatapara, Chhattisgarh

---- Petitioner**Versus**

1. M. P. State Financial Corporation , A Corporation Established Under State Financial Corporation Act, 1851 Having Its Head Office At Indore, District Indore (M.P.)
2. The Deputy General Manager, M.P.State Financial Corporation 19, Central Avenue (West) Choubey Colony, Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Govind Dewangan, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****12/02/2016**

1. This MCC is preferred for restoration of WP No. 4531/1998, which was dismissed on 19-4-12 for non-compliance of the peremptory order passed by this Court on 30-3-12. Since the MCC is delayed by 1341 days i.e. nearly 4 years, an application for condonation of delay has also been filed.
2. Petitioner is a borrower having obtained financial assistance from the erstwhile M. P. State Financial Corporation. The writ petition was filed in the year 1998 seeking direction to the respondents to handover the possession of the unit i.e. the plant and machinery sold in auction which was conducted on account of petitioner's failure to repay the loan amount. Thus, it would be apparent that the writ petition remained pending about 14 years and a

peremptory order was passed and ultimately for non-compliance it was treated to be dismissed by the Registry on 19-4-12.

3. In the application for condonation of delay it has been averred that the petitioner was not aware about the dismissal of the writ petition/ peremptory order. On 10-12-15, the applicant enquired about the status of the case, it came to be noticed that the petition has already been dismissed on 19-4-12. The application for condonation of delay is supported by the affidavit of the advocate clerk and not by the lawyer or the applicant.
4. In a case where the delay is about 4 years, it was expected of the applicant to tender proper explanation. The reason assigned for condonation of delay is not at all convincing. On the date when the peremptory order was passed, the applicant was represented by her lawyer, therefore, it cannot be said that the applicant had no knowledge about the peremptory order. Thus, the contents of the condonation of delay application runs contrary to the order-sheet dated 30-3-12.
5. For the foregoing, no case for condonation of delay in filing the restoration application is made out. It is accordingly dismissed. Consequently, the MCC is also dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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