

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 544 of 2016

Ramgopal (Since Died)

(1) Smt. Saroj Bhaskar Aged About 63 Years Wd/o Late Ramgopal

(2) Smt. Neetu Bagde, Aged about 40 Years D/o Late Ramgopal,

(3) Manoj Pushkar, Aged about 37 Years S/o Late Ramgopal,

(4) Seema Bhaskar, Aged about 35 Years D/o Late Ramgopal,

(5) Hemlata Bhaskar, Aged about 33 Years D/o Late Ramgopal,

(6) Sunita Bhaskar, Aged about 31 Years D/o Late Ramgopal,

(7) Ravindra Pushkar, Aged about 28 Years S/o Late Ramgopal,

(Legal Heirs of Ramgopal since deceased All resident of 34/B,
Karmachari Nagar, Durg, District- Durg, (Chhattisgarh)

---- Applicants

Versus

1. Union of India Through General Manager S.E. Railway, Kolkata (West Bengal)
2. Senior Divisional Personnel Officer, S.E. Railway, Bilaspur, (Chhattisgarh)

---- Respondents

For Applicants : Shri C.R. Sahu, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

29/07/2016

1. Heard on I.A. No. 1/2016 which is an application for condonation of delay in filing the present Miscellaneous Civil Case.

2. The present Miscellaneous Civil Case has been filed seeking for

restoration of M.C.C. No. 943/2012 which was dismissed for non-compliance of Court order dated 28.08.2012, which was dismissed on 05/09/2012. The present Miscellaneous Civil Case has been filed as late as on 13.07.2016 with a delay of 1369 days i.e. more than 3½ years.

3. A perusal of the interlocutory application for condonation of delay clearly reflects that the Applicant at no point of time after filing the M.C.C. had contacted the counsel to verify about the progress of the case and even after non-compliance of order dated 28/08/2012 in M.C.C. No. 943/2012 which was dismissed on 05/09/2012 he did not contact his counsel to inquire about the progress of the case.

4. Further, perusal of the Application would also reveal that the Applicant has not disclosed any specific date on which he came to know about the dismissal of the M.C.C. nor has given any plausible explanation for the delay of more than 3½ years in filing the present M.C.C. for restoration of the matter which was dismissed on 05/09/2012 for non-compliance of the Court order dated 28/08/2012.

5. So far as the law for condonation of delay is concerned, true it is that it should be given a pragmatic and liberal interpretation but that does not mean that there should not be any plausible or satisfactory explanation to be provided by the person who is at default of delay. In the instant case perusal of I.A. No.1, which is an application for condonation of delay would show that there has been no specific details what so ever in respect of delay which has been occurred in filing the present M.C.C. It appears that the condonation of delay application has also been filed in a most casual manner without any specific details, which itself is self explanatory to show the conduct and attitude of the Applicant who had filed the M.C.C. Thereafter, he slept over

and had gone into deep slumber without either pursuing the M.C.C. for its logical conclusion or for an early disposal or for that matter periodically inquiring from the Counsel engaged by him in this regard.

6. In the opinion of this Court the reasons assigned in the I.A. No.1 do not appear to be a justified nor is there any plausible reason for condoning the inordinate delay particularly when the delay is of more than 3½ years, this Court is of the opinion that no good case is made out for condoning delay caused in filing the present Miscellaneous Civil Case.

7. Thus, in the opinion of this Court I.A. No. 1 deserves to be and is accordingly rejected. Consequently, the present M.C.C. also stands rejected.

Sd/-

(P. Sam Koshy)
Judge