

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 255 of 2016**

Omprakash Patel S/o Kaushal Kishore Patel, Aged About 41 Years
R/o Village Amera, Tahsil Pallari, District- Raipur (Now District
Balodabazar-Bhatapara) Chhattisgarh(Plaintiff)

---- Petitioner**Versus**

1. Birij Bai W/o Shankarlal Dhobi, Cultivator, R/o Village Ameri, Tahsil Pallari, District Raipur (Now District Balodabazar-Bhatapara) Chhattisgarh, Present Address- Bhatapara, Sant Kavar Ward, Post & Tahsil Bhatapara (Now District Balodabazar-Bhatapara) Chhattisgarh
2. State Of Chhattisgarh, Through The Collector, Distt. Raipur (Now District Balodabazar-Bhatapara) Chhattisgarh

.....(Defendants 1 & 2)

---- Respondents

For the Applicant : Shri Shailendra Sharma, Advocate.
For Respondent No.2/ State: Shri S.C. Khakhariya, Deputy A.G.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order on Board****13/04/2016**

1. Heard.
2. Issue notice to the Respondents.
3. Shri S.C. Khakhariya, Deputy Advocate General accepts notice on behalf of the State/ Respondent No.2.
4. Heard on I.A. No.1 of 2016, an application for condonation of delay in filing the instant M.C.C as the instant M.C.C has been preferred after 288 days of its limitation.
5. Learned counsel for the Applicant submits that Respondent No.1 was not noticed at the time of hearing of First Appeal No.24 of 2015.
6. Registry has pointed out two defaults. Out of them, one default is with

regard to submission of typed copies that was not cured and the other default was cured. The delay is *bona fide*, hence, it may be condoned and the matter may be heard finally. Nothing was submitted on behalf of Respondent No.2 against the said submission.

7. On due consideration, I.A. No.1 of 2016 is hereby allowed and the delay in filing the instant M.C.C is hereby condoned. The matter is admitted for consideration.

8. On due consideration, the instant M.C.C is hereby allowed. First Appeal No. 24 of 2015 which was dismissed on a peremptory order dated 1.4.2015 is restored to its original number. It is further directed that the default pointed out by the Registry be removed within two weeks from today.

9. No order as to costs.

Sd/-

Chandra Bhushan Bajpai
Judge