

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 594 of 2016

Hemant Topkhanewale, S/o. Sada Shivrao Topkhanewale, Aged About 44 Years R/o Blue Spot Nursery, Shankar Nagar, Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

Anil Topkhanewale, S/o. Sada Shivrao Topkhanewale, Aged About 49 Years Branch Manager, Central Bank Of India, Chirmiri, Tehsil Chirmiri, District Korla, Chhattisgarh

---- Respondent

For Applicant :- Mr. Govind Dewangan, Advocate

For Respondent/ State :- Mr. Sourabh Sharma, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/08/2016

1. Heard on I.A. No. 01- Application under section 5 of the Limitation Act, 1963 for condonation of delay in filing the restoration application.
2. The instant M.C.C is barred by 274 days.
3. On due consideration, as sufficient cause has been shown in not filing the application for restoration within stipulated period, the I.A. No. 01 is allowed and the delay in filing of the application for restoration is condoned.
4. Also heard on the instant M.C.C./Application for restoration of F.A. No. 139/2012 which was dismissed for want of prosecution on 07.10.2015.

5. Having perused the application for restoration of First Appeal, I am of the opinion that sufficient cause has been explained by the counsel for the applicant for his non-appearance on 07.10.2015.

6. Accordingly, the instant M.C.C./ application is allowed, order dated 07.10.2015 dismissing the First Appeal No. 139/2012 for want of prosecution is hereby recalled and the First Appeal No. 139/2012 is restored to its original number.

7. No order as to costs.

8. A copy of this order be kept in the record of First Appeal No. 139/2012.

Sd/-
(Goutam Bhaduri)
Judge