

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 596 of 2016**

Sukhiram S/o Ramcharan Sinha, Aged About 63 Years Caste Kalar, Occupation Agriculturist, R/o Village Arkar, Tahsil Gurur, District Balod, Chhattisgarh

---- Applicant**Versus**

1. Dhaaluram Dewangan S/o Ramuram Dewangan, Aged About 45 Years Caste- Koshta, Occupation- Agriculturist, R/o Village Alkar, Tahsil Gurur, District Balod, Chhattisgarh
2. The State Of Chhattisgarh, Through: The Collector, Balod, District Balod, Chhattisgarh

---- Respondents

For applicant : Shri R.K. Pali, Advocate
 For Respondent No.2/State: Smt. Shobha Kashyap, Dy. G.A.
 For Respondent No.1 Not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

28/11/2016

1. In compliance of order of this Court dated 5.9.2016, Registrar (Judl) has submitted his report dated 21.11.2016. In the said report, the applicant is shown as an indigent person as per provisions of Order 33 Rule 1 of the Code of Civil Procedure, 1908 (for short the Code).
2. Perused the report of the Collector dated 1.10.2016.
3. On due consideration, as the applicant/appellant/defendant is an indigent person, the instant MCC filed under Order 44 of the Code is hereby allowed.
4. The applicant is permitted to prefer the instant First Appeal as indigent person.
5. Registry is directed to register the matter under the head of First Appeal.
6. Delay of 7 days in filing the MCC and the First Appeal is already condoned vide order dated 5.9.2016.
7. Heard on the question of admission of the First Appeal.

8. Perused the impugned judgment and decree and the memo of First Appeal.

9. Delay has already been condoned. The appeal is not liable for dismissal under Order 41 Rule 11 of the Code. The appeal appears to be arguable.

10. The appeal is admitted for consideration.

11. The appellant is directed to pay PF within 7 days.

12. Issue notice to respondent 1 through usual and registered mode under Rule 167 and 172 of the High Court of Chhattisgarh Rules, 2007, returnable within 4 weeks along with the copy of First Appeal, I.A.No.1/2016 for grant of stay and the documents annexed.

13. Notice of hearing shall be affixed on the Notice Board and also be sent to the Court of first instance i.e. First Additional District Judge, Balod (CG) in accordance with Order 41 Rule 14 of the Code. The appellant is directed to furnish the security of Rs.5,000/- before the Court of first instance for the cost of this appeal and the cost of the Court below within a period of one month in accordance with Order 41 Rule 10 of the Code.

14. List the matter immediately after notice is served on respondent 1 for hearing on I.A.No.1/2016.

Sd/

(Chandra Bhushan Bajpai)
Judge