

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Civil Case No.716 of 2016**

- Bapi Ghosh D/o Late Avinash Ghosh, Aged About 52 Years R/o Qr. No.2A, Street No.9, Sector No.2, P.S. Bhilai Nagar, Bhilai District Durg, Chhattisgarh

---- Applicant

Versus

- Bhagchand Jain S/o Hukumchand Jain, Aged About 47 Years R/o Qr. No.2D, Street No.09, Sector No.6, Bhilai District Durg, Chhattisgarh

---- Respondent

For appellant : Shri Anurag Jha, Advocate
Notice issued to the respondent is awaited.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****15.11.2016.**

Heard on IA No.01/16, for condonation of delay in filing the instant MCC.

2. Learned counsel for the applicant would submit that the instant MCC has been filed for restoration of MAC No.258/2015 which was dismissed for want of prosecution on 25.01.2016 as no one represented and also there was default for not paying PF in the said MAC. In the said MAC the present respondent was not noticed. He also submits that he is ready to remove the default as pointed out by the Registry and also as the present respondent was not even noticed in the said MAC, though there is a delay of 196 days for filing the instant MCC, the same may be condoned and the instant MCC may be allowed.

3. Perused the record of MAC No.258/2015.

4. On due consideration, IA No.01/16 is allowed and the delay of 196 days in filing the instant MCC is condoned.

5. Also heard the matter finally.

6. As the applicant undertakes to remove default in the said MAC within a week from now, the instant MCC is allowed on a pre-condition that subject to removing the default by paying PF within seven days from today, the said MAC be restored to its original number. Needless to mention that if the default is not removed within seven days from today, this order shall lose its efficacy.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE