

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 804 of 2016

1. Ramgopal Khairwar S/o Shri Dayaram Khairwar, aged about 37 years, R/o Jagdallapara Champa, District Janjgir Champa, Chhattisgarh

---- Applicant/Petitioner

Versus

1. State of Chhattisgarh Through Secretary General Administration Department, DKS Bhawan, Raipur, Chhattisgarh
2. Collector, District Janjgir Champa, Chhattisgarh
3. Tehsildar Champa, District Janjgir Champa, Chhattisgarh

----Non-applicants/ Respondents

For Applicant :- Mr. Kamal Kishor Soni, Advocate.

For Non-applicants - Ms. Shobha Kashyap, Deputy Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

08/11/2016

1. Heard on I.A.No.1/2016 for condonation of delay in filing the restoration application as the instant MCC has been preferred after 1289 days of its limitation.
2. Learned counsel for the applicant would submit that the applicant is illiterate person, he can hardly write his name and after receiving information regarding dismissal of said Writ Petition No. 836 of 2001, he approached counsel and had filed the instant MCC on earliest possible date; as from the date of knowledge there was no delay in filing the application, the delay is bonafide, the same may be condoned and the MCC may be heard and may be allowed.
3. Perused the copy of order dated 12-03-2013 and I.A.No.1/2016, the application for condonation of delay.
4. The MCC has been filed after 1289 days of its limitation. There is no any fact in I.A.No.1/2016 that to whom the applicant gave power for his representation

and whether the said counsel informed him or not regarding dismissal of said writ petition. The applicant is required to satisfy the cause for delay in the present case. Merely submitting that the applicant is illiterate and after receiving information without further delay he had filed the instant MCC, in the considered view of this Court, the applicant has not satisfactorily explained the cause of such delay of 1289 days. Consequently, as I.A.No.1/2016 has no substance, the same is hereby dismissed. Accordingly, the MCC being barred by 1289 days also stands dismissed.

5. Petition dismissed.

Sd/-
(Chandra Bhushan Bajpai)
J U D G E