

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 27 of 2016**

1. Mohammad Zakir S/o Mohammad Musa, Aged About 45 Years
R/o Mastanpara Sukma, Police Station & Post Sukma, Civil &
Revenue District South Bastar, Dantewada (Chhattisgarh).....
(Appellant)

---- Petitioner

Versus

1. Ajay Prakash Singh S/o Bhuwneshwar Singh, Aged About 25
Years R/o Village Sukma, Tahsil Sukma, District South Bastar,
Dantewada (Chhattisgarh)
2. Somaru S/o Dhasru, R/o Village Sukma, Tahsil Sukma, District
South Bastar, Dantewada, Chhattisgarh At Present R/o Village
Baniyagaon, Tahsil Kondagaon, Police Station & Post
Kondagaon, Civil & Revenue District Kondagaon (Chhattisgarh)
3. State Of Chhattisgarh Through Collector, South Bastar,
Dantewada (Chhattisgarh).....(Non Applicant)

---- Respondents

For Applicant	: Shri Manoj Paranjape, Advocate
For Respondent 1	: Ms. Itu Rani Mukharjee, Advocate
For Respondent 3/State	: Shri S.C. Khakharia, Dy. AG

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**ORDER****14.1.2016**

1. Heard on I.A.No.1 application under Section 5 of the
Limitation Act for condonation of delay in filing the MCC as it is
barred by 116 days of its limitation.
2. On behalf of respondent 1, the main contestant has no
objection to I.A.No.1.
3. On due consideration, I.A.No.1 is allowed.

4. Delay in filing the the MCC is condoned.
5. The matter is admitted for consideration.
6. The applicant has filed the instant MCC after the order passed in Second Appeal No.179 of 2008 whereby and whereunder vide order dated 23.7.2015 the Second Appeal was ordered to be dismissed without further reference to the Bench in case the default is not cured within a week. Thereafter, as the default was not cured within a week, the Second Appeal has been dismissed. It is submitted that due to bonafide mistake, the default could not be cured.
7. On due consideration, the MCC is allowed and Second Appeal No.179/2008 dismissed on peremptory order dated 23.7.2015 is restored to its original number.
8. No order as to cost.

Sd/

(Chandra Bhushan Bajpai)
JUDGE