

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 152 of 2007**

- Devendra Kumar Rathore S/o Shri Shrawan Kumar Rathore, aged about 37 years, R/o Bacharwar, PS Pendra, Tahsil-Pendra Road, District-Bilaspur(CG)

---- Applicant

Versus

- Sub Divisional Forest Officer Pendra (General), Sub Division Pendra Road, District-Bilaspur (CG)

---- Respondent

For Applicant	:	None
For Respondent/State	:	Shri Sumit Jhawar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23/12/2016**

1. Heard on I.A.No.1/2007 for condonation of delay under Section 5 of the Limitation Act as it is barred by 109 days.
2. From perusal of the entire MCC and the documents annexed it appears that WP No.PR 4345/2006, the Court granted time to remove the default in 4 weeks, failing which, the Court directed that the petition shall stand dismissed for non prosecution without any further order of the Court.
3. The petitioner got the certified copy lately and after delivery of the certified copy, he had filed the same in the said writ petition along with application for taking document on record. But as the default was not removed within the stipulated time on the basis of the peremptory order, the said Writ Petition (PR) No.4345/2006 stands dismissed without further reference to the Bench. Looking to the entire facts and circumstances, in the considered opinion of this Court, the petitioner by exhibiting the entire facts satisfactorily explained the delay in filing the instant MCC after 109 days.
4. On due consideration, I.A.No.1/2007 is allowed. Delay 109 days in

filing the MCC is condoned.

5. Also perused the MCC for its final disposal.

6. On due consideration, the MCC is hereby allowed and Writ Petition (PR) No.4345/2006 is restored to its original number with a condition that the petitioner shall remove the default in the said writ petition within 15 days from today. If the said default is removed within 15 days, then only the said Writ Petition (PR) No.4345/2006 be restored to its original number. If the applicant failed to remove the default within 15 days from today, then the order passed in the instant MCC shall lose its efficacy.

7. With these directions the MCC stands disposed of with the terms and conditions indicated above.

Sd/-

(Chandra Bhushan Bajpai)
Judge