

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MA No. 118 of 2016

Chhattisgarh Power And Coal Benefication Limited Through Shikhar Agrawal S/o Shri Ramavtar Agrawal, Aged About 28 Years, Managing Director, Chhattisgarh Power And Coal Benefication Limited, Agrawal Bhawan, Shiv Mandir Road, Vidya Nagar, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh(Plaintiff)

---- Appellant

Versus

1. State Trading Corporation Through Shri S.P.Lakpa, Deputy General Manager, State Trading Corporation, Nilhat House, 9/10 Floor, 11 R.N. Mukherjee Road, Kolkata (West Bengal)
2. Federal Bank Limited, Through Its Branch Manager, Federal Bank Limited, Ground Floor, Lalganga Shopping Marg, Raipur, Tahsil And District Raipur, Chhattisgarh(Defendants)

---- Respondents

For Appellant : Shri B.D. Guru, Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

16/12/2016

1. Heard on I.A.No.1/2016 for condonation of delay in filing the appeal as the same has been preferred after 520 days of its limitation.
2. Learned counsel for the appellant would pray that earlier the appellant/petitioner had filed Writ Petition (227) No.335/2015 and vide order dated 17.2.2016 after the dismissal of said writ petition as not maintainable they filed the instant Misc. Appeal under the provisions of Order 43 Rule 1 (r) C.P.C, the delay is bonafide and unintentional, hence, the same may be condoned and the appeal may be admitted for consideration.

3. Perused the order dated 17.2.2016, passed in Writ Petition (227) No. 335/2015. It appears that the said writ petition was dismissed as not maintainable as the remedy to file Misc. Appeal was available.

4. The appellant is required to explain the delay satisfactorily for filing the instant Misc. Appeal. In the present case, there is no satisfactory cause to condone the delay. The Misc. Appeal is barred by 520 days of limitation.

5. On due consideration, I.A.No.1/2016 is dismissed as not maintainable. Also the Misc. Appeal is dismissed as barred by 520 days of its limitation.

Sd/
(Chandra Bhushan Bajpai)
Judge