

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 211 of 2016**

Dinesh Kumar Dubey S/o Late Shankar Prasad Dubey, Aged
About 70 Years R/o Ramayan Chowk, Chatidih, Tahsil and
District Bilaspur, Chhattisgarh(Defendant)

---- Applicant**Versus**

Ganesh Prasad Saraf S/o Baldev Prasad Saraf, Aged About 60
Years R/o Gondpara, Tahsil And District Bilaspur, CG(Plaintiff)

---- Respondent

For applicant	:	None.
For respondent	:	None.
For State	:	Ms. Shobha Kashyap, Dy. GA.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****07/11/2016**

None for applicant.

Respondent not noticed.

Ms. Shobha Kashyap, Dy. Govt. Adv. appears and submitted
report regarding indigence of the applicant.

Perused the submission memo and the report filed on 7-11-2015.
As per the report the applicant does not have any immovable property
or land. He also does not have any regular source of income.

Considering the report submitted on behalf of the State, it
appears that the applicant is an indigent person as per provisions of
Order 33/Order 44 Rule 1 of the Civil Procedure Code to file the appeal
as an indigent person. The applicant was defendant before the trial
Court. There also he was not required to pay the court fee.

As the applicant has satisfied this Court that he does not possess
sufficient means to pay the fee prescribed by law for filing the instant
appeal, instant MCC is allowed for the moment. The applicant is
exempted to pay the court fee as required.

Perused the I.A. No. 1/16 condonation of delay in filing the instant
MCC by 195 days of its limitation. For the reasons mentioned in it, this

Court is of the considered view that the applicant has satisfactorily explained the cause of delay. Hence I.A. No. 1/16 is allowed. Delay in filing the MCC is condoned.

Registry is directed to register the matter under the head of first appeal and list the matter for hearing after two weeks.

MCC disposed of.

Sd/-
(Chandra Bhushan Bajpai)
Judge