

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 715 of 2016**

1. Aajuram Suryavanshi S/o Lt. Shri Kamta Suryavanshi
2. Smt. Manabai W/o Aajuram Suryavanshi, Aged About 45 Years
3. Mukesh Suryavanshi S/o Aajuram Suryavanshi, Aged About 20 Years

All R/o Vill.- Khaira, P.O.- Rengakathera, Tah.- Dongergarh, District-
Rajnandgaon, Chhattisgarh

---- Applicants

Versus

1. Ashok Kumar Choudhary S/o Sarjoram, Aged About 42 Years R/o Vill.-
Patratoli, Tah.- Jashpur, Distt.- Jashpur, Chhattisgarh
2. Shri Tarsen Singh S/o Shri Palsingh, R/o L.I.G.-33, Vaishali Nagar
Bhilai, District- Durg, Chhattisgarh
3. The New India Insurance Co. Ltd., Branch Office-2, L.I.C. Block,
Commercial Complex Pandari, Raipur, Chhattisgarh

---- Respondents

For applicants	:	Mr. Rakesh Thakur Advocate.
For Respondent No. 3	:	Mr. Qamrul Aziz, Advocate

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**ORDER****8-12-2016**

1. Notice issued to R-1 and 2 returned unserved as they are not residing in the given address.
2. Heard on I.A. No. 1/16 for condonation of delay in filing the instant MCC as the same is filed after 240 days of its limitation.
3. The MCC is filed for restoration of MAC No. 174/2012 which was dismissed by this Court vide order dated 22-12-2015 for want of prosecution.
4. Learned counsel for the applicant submits that when the case was called, the counsel was busy before another court and thereafter he inquired about the case from other counsel who informed him that the matter has been adjourned but when the counsel for the applicant inquired about the matter for listing, then he came to know that the matter has been dismissed for want of prosecution on that very day. It is submitted that the delay of 240 days in filing the instant MCC is bonafide and

unintentional. Hence the delay be condoned and the MAC be restored to its original number.

5. Perused the I.A. No. 1/16, MCC and the order dated 22-12-2015 passed in MAC No. 174/2001.
6. It is the duty of the applicant to satisfactorily explain the cause of delay of such a lost period. The reasons mentioned in the application for condonation of delay does not seem to be acceptable. Learned counsel would have got the information from the court staff or the Registrar (Judicial) or would have cared to go into the website of the High Court for knowing the status of the case.
7. As the applicant has failed to explain the cause of delay of such a long period in filing the instant MCC, I.A. No. 1/16 is dismissed. Consequently, MCC is also dismissed as barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge