

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 872 of 2016**

Nirakar Kewat S/o Laxman Kewat, Aged About 60 Years Occupation- Agriculture Labourer & Marginal Farmer, R/o Village Guarbahari, Tah. Gharghora, District Raigarh, Chhattisgarh

---- Applicant

Versus

1. Gopiram S/o Munu Agharia, Aged About 65 Years Occupation- Agriculturist & Land Mortgagor, R/o Village Guarbahari, Tah. Gharghora, District Raigarh, Chhattisgarh
2. State Of Chhattisgarh, Through The Collector Raigarh, Chhattisgarh

---- Respondents

For applicant	:	Mr. B.D. Badgaiyan, Adv.
For Respondent No. 2/State	:	Mr. Sumit Jhanwar, Adv. on advance copy
For Respondent No. 1	:	Not noticed.

ORDER**8-12-2016**

1. Heard on I.A. No. 1/16 for condonation of delay in filing the instant MCC as the same has been filed after 837 days of its limitation.
2. Learned counsel for the applicant submits that counsel for the applicant representing the appellant in SA No. 166/2005 overlooked the cause list on 18-6-2014 and also the applicant did not meet his advocate for last 2 years. Suddenly the applicant approached to the advocate to know about his case on 28-10-2016. Thereafter instant restoration application along with condonation application is filed with a prayer to restore the SA No. 166/2014 which was dismissed for non-prosecution on 18-6-2016.
3. Perused the order dated 18-6-2014, I.A. NO. 1/16 and the instant MCC.
4. Instant MCC has been preferred after 837 days of its limitation. The applicant is required to satisfactorily explain the cause of delay in filing the MCC. Merely the fact that learned counsel overlooked and failed to see the cause list on 18-6-2014 and the

applicant did not meet his counsel for last 2 years and suddenly came to inquire about his case may not be held as satisfactory cause for such a long delay of 837 days.

5. As the applicant has failed to explain the delay caused in filing the MCC, I.A. No. 1/16 is dismissed. Consequently, MCC is also dismissed as barred by limitation.

Sd/-
(Chandra Bhushan Bajpai)
Judge