

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 869 of 2016**

Awadhram S/o Jhadu Lodhi, Aged About 30 Years R/o Village
Ghotmrra, Tahsil Berla, District- Durg, Chhattisgarh

---- Applicant**Versus**

1. Khumansingh S/o Pilaram Lodhi, Aged About 10 Years Minor
Through Father Natural Guardian Pilaram Lodhi, R/o Sector-6,
Bhilai, District- Durg, Chhattisgarh
2. Shesh Narayan S/o Pilaram Lodhi, Aged About 14 Years Minor
Through Father Natural Guardian Pilaram Lodhi, R/o Sector-6,
Bhilai, District- Durg, Chhattisgarh
3. Kumbkaran S/o Hugru Lodhi, Aged About 60 Years R/o Village
Keshdabri Tehsil Berla District Bemetara, Chhattisgarh
4. Ramnarayan S/o Kumbkaran Lodhi, Aged About 30 Years R/o
Kegadabri, Tehsil Berla, District Bemetara, Chhattisgarh
5. State Of Chhattisgarh, Through The Collector Durg, District
Durg, Chhattisgarh

---- Respondents

For Applicant	:	Shri M.K. Bhaduri, Advocate
For Respondent No.5/State	:	Smt. Shobha Kashyap, Deputy Govt. Advocate on advance copy
Other respondents not noticed.		

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

24/11/2016

1. Heard on I.A.No.1/2016 for condonation of delay as the instant MCC has been filed after 2595 days of its limitation (after 7 years 2 months and 7 days).
2. Learned counsel for the applicant submits that there is very inordinate delay, but the applicant had received the communication from his

counsel in September, 2016 when he reached to the premises and enquired about his case, then only he came to know that Second Appeal No.453/2001 has been dismissed for want of prosecution. He immediately after obtaining the certified copy, had filed the instant MCC. Substantial question of law is involved and if the said Second Appeal is not restored, it will amount to shut the doors of justice for the applicant, hence, the MCC may be allowed and Second Appeal No. 453/2001 dismissed for want of prosecution on 1.9.2009 may be restored for hearing.

3. Perused the contents of I.A.No.1/2016, the MCC and the copy of order sheet dated 1.9.2009.

4. The applicant was the appellant and he was represented by his counsel. There is no mention when learned counsel came to know regarding dismissal of said Second Appeal and thereafter what he does for taking appropriate steps. The instant MCC has been preferred after 7 years, 2 months and 7 days. Without furnishing facts regarding such communication gap, reason and what action taken by the appellant/applicant for any lapses under the relevant disciplinary laws and other measure, in the considered view of this Court, the instant MCC filed after 2595 days does not disclose satisfactory reason for hearing of the said Second Appeal.

5. With this, I.A.No.1/2016 for condonation of delay as sans substance is dismissed as not maintainable. Accordingly, the instant MCC is also dismissed as barred by 2595 days of its limitation.

Sd/

(Chandra Bhushan Bajpai)

Judge