

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Civil Case No.946 of 2016**

- S. K. Agrawal S/o Shri K.K.Agarwal, Aged About 65 Years
Executor Of The Will Of Late Manmati Bai R/o Turihatri, Purani
Basti, Raipur, Chhattisgarh(Defendant)

---- Applicant**Versus**

1. Bitan Bai W/o Madanlal Mahobia, Aged About 60 Years R/o Padumtara, R.I. Circle Dhumka, Tehsil & District Rajnandgaon, Chhattisgarh
2. Vimal Bai W/o Pannalal Mahobia, Aged About 55 Years R/o Village Tusda, Tehsil Mahasamund, District Raipur, Chhattisgarh
3. Chandrika Bai W/o Ramlal Mahobia, R/o Hathithan Para, Rajnandgaon, District & Tehsil Rajnandgaon, Chhattisgarh
4. Lakhanlal Tamboli S/o Laxminath Tamboli, Aged About 55 Years R/o House No. 25/477, Kankalipara, Raipur, Chhattisgarh
5. Prakash Jain S/o Late Phoolchand Jain, Aged About 30 Years R/o Tagore Nagar, Raipur, Chhattisgarh
6. Mst. Dhamsan Alias Pyaribai Wd/o Late Motilal, Aged About 55 Years R/o Kankalipara, Raipur, Chhattisgarh
7. Ku. Sunita D/o Late Motilal, Aged About 34 Years R/o Kankalipara, Raipur, Chhattisgarh
8. Ajay Kumar S/o Late Motilal, Aged About 22 Years R/o Kankalipara, Raipur, Chhattisgarh
9. Vijay Kumar S/o Late Motilal, Aged About 18 Years R/o Kankalipara, Raipur, Chhattisgarh
10. Smt. Sudhabai W/o Jagdish Prasad Tamboli, Aged About 38 Years R/o Bada Bazar, Mungeli, Bilaspur (Now Mungeli) Chhattisgarh(Nos. 6 To 10 Are The Legal Heirs Of Late Motilal [defendant No.3])
11. Daulal S/o Late Udal, Aged About 40 Years R/o Kankalipara, Raipur, Chhattisgarh
12. Sundari Devi Wd/o Khelan Prasad, Aged About 45 Years R/o Kankalipara, Raipur, Chhattisgarh
13. Kum. Saroj S/o Khelan Prasad, Aged About 30 Years R/o Kankalipara, Raipur, Chhattisgarh
14. Rajesh S/o Khelan Prasad, Aged About 26 Years R/o Kankalipara, Raipur, Chhattisgarh
15. Heerabai D/o Khelan Prasad, Aged About 20 Years R/o Kankalipara, Raipur, Chhattisgarh
16. Vinod S/o Khelan Prasad, Aged About 19 Years R/o Kankalipara, Raipur, Chhattisgarh
17. Ku. Maya D/o Khelan Prasad, Aged About 15 Years Minor Through Natural Guardian Mother Sundaribai, Wd/o Khelan Prasad, R/o Kankalipara, Raipur, Chhattisgarh

18. Sunny Kumar S/o Khelan Prasad, Aged About 12 Years Minor Through Natural Guardian Mother Sundaribai, Wd/o Khelan Prasad, R/o Kankalipara, Raipur, Chhattisgarh
19. Kamla Devi D/o Udal Aged About 25 Years W/o Banshilal Mahobia, R/o Kodhi, Near The Hospital, Basantpur Ward, Rajnandgaon, Chhattisgarh
20. Ku. Sumlata D/o Udal Aged About 39 Years W/o Haldar Prasad, R/o Balco Nagar, Tehsil Balco, District Bilaspur (Now Korba) Chhattisgarh
21. Rajju D/o Udal Aged About 34 Years W/o Vijay Kumar Barai, R/o Near Bazar, Balod, Tehsil Balod, District Durg (Now Balod) Chhattisgarh
22. Lata D/o Khelan Prasad Aged About 24 Years W/o Ashok Kumar Barai, R/o Baraipara, Lanji, District Balaghat (M.P.)
23. State Of Chhattisgarh, Through The Collector Raipur, Chhattisgarh
24. The Competent Authority, Urban Land, Ceiling, Raipur, Chhattisgarh(Plaintiffs)

---- Respondents

For appellants : Shri ML Saket, Advocate on behalf of Shri BP Sharma, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

23.12.2016

Heard on IA No.01/16, application for condonation of delay in filing the instant application.

2. The instant application has been preferred after 1303 days of its limitation.

3. Learned counsel for the applicant submits that First Appeal No.121 of 2007 was dismissed on account of peremptory order dated 21.3.2013 whereby the applicant/appellant was directed to furnish complete and correct address of respondents 5, 10 and 20. He submits that the delay in filing the application for restoration and condonation of delay is not malafide and as such, the same may kindly be condoned in the interest of justice.

4. On due consideration, as the applicant/appellant failed to demonstrate the satisfactory cause for filing the instant application (MCC) after 1303 days, IA No.01/16 is hereby dismissed. As a consequence, the instant MCC is also dismissed as time barred.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE