

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 361 of 2017

1. Jajbal Singh S/o Mohar Sai, Aged About 34 (23) Years, R/o Village Bhaisma, Khar, Tahsil Katghora, District Korba, Chhattisgarh

---- Applicant

Versus

1. South Eastern Coalfields Limited through Chairman Cum Managing Director, Seepat Road S E C L, Bilaspur, District Bilaspur, Chhattisgarh
2. Chief General Manager, South Eastern Coalfields Limited S E C L, Kusmunda, Tahsil Katghora, District Korba, Chhattisgarh
3. Dy. General Manager, South Eastern Coalfields Limited, Laxman Project, S E C L, P.S. Kusmunda, Tahsil Katghora, District Korba, Chhattisgarh
4. The Collector, District Korba, Chhattisgarh

---- Non-applicants

For Applicant – Shri Palash Tiwari, Advocate.
For Non-applicant No.4– Shri Anant Bajpai, Panel Lawyer.
For Non-applicants 1 to 3 – None, not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-05-2017

1. Perused the note of Registry.
2. In the said note it is mentioned that limitation period not calculated as per Court order dated 13-12-2016 passed in MCC No.591/2016.
3. On many occasions, this Bench directed the Registry to calculate the period under which instant MCC has been filed after the order passed in any matter. Registry has no business to look into whether limitation would be applicable or not. Registry is duty bound to calculate the period taken in filing the instant MCC. Limitation is applicable or not is subject matter of judicial scrutiny.
4. Registry is directed to calculate and show chart as within how many days the applicant had filed the instant MCC as per orders given in many cases by this Bench.
5. Now, perused the matter.
6. Writ Petition No.563/2006 was dismissed for want of prosecution on 07-

04-2017 and the instant MCC has been preferred on 27 April, 2017, certainly within 30 days as applicable in Article 122 of the Limitation Act, 1963 attracted for matter as shown in classification at sub-rule 11 of Rule 140 of the High Court of Chhattisgarh Rules, 2007. With this, the instant MCC is admitted for consideration.

7. Heard the matter finally.

8. On due consideration, the instant MCC is hereby allowed. Writ Petition No.563/2006 dismissed for want of prosecution on 07-04-2017 is restored to its original number.

9. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE