

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 428 of 2017**

Ramakant Dani S/o Late Shri Kesho Prasad Dani, Aged About 80 Years Occupation Advocate, Brahmin Para, Durg, Near The Residence Of Prahlad Tiwari, Advocate, Durg, Tahsil & District Durg, CG

---- Applicant**Versus**

1. Sanjay Kumar Dani S/o Shri Kamalakant Dani, Aged About 34 Years
2. Ajay Kumar Dani S/o Late Shri Kamalakant Dani, Aged About 30 Years
3. Smt. Sarita Dani Wd/o Late Shri Kamalkant Dani, Aged About 58 Years R- 1 to 3 R/o House No. H-2/556, Sector-2, Deendayal Upadhyay Nagar, M.P.Housing Board Colony, Dangania, Raipur, Tahsil & District Raipur, Chhattisgarh
4. Laxmikant Dani S/o Late Shri Kesho Prasad Dani, Aged About 64 Years C/o Shri Manish Dani, Advocate, R/o House No. 226, Behind Tiwari Saw Mill, Arya Nagar, Durg, Tahsil & District Durg, Chhattisgarh
5. Smt. Katyani Bai W/o Krishna Kumar Agrawal, Aged About 60 Years R/o Near Marwadi School, Opp. Dr. S.P.Sahu Hospital, Bari Para, Durg, Tahsil & District Durg, Chhattisgarh
6. State Of Chhattisgarh, Through The Collector, Durg, District Durg, Chhattisgarh

---- Respondents

For applicant	:	Mr. Rajendra Tripathi, Adv.
For R-6/State	:	Mr. Anant Bajpai, PL on advance copy.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20-6-2017**

1. Heard on I.A. No. 1/2017 for condonation of delay in filing instant MCC as the same has been preferred after 81 days of its limitation.
2. Learned counsel for the R-6/State accepts notice on behalf of the R-6.
3. On due consideration, this Court is of the view that the applicant has satisfactorily explained the cause of delay of 81 days in filing instant MCC. Consequently, I.A. No. 1/2017 is allowed and delay in filing instant MCC is allowed.

4. Learned counsel for the applicant submits that on the date of hearing i.e. 10-2-2017, other respondents were not represented, only R-6 was represented. With this, the matter may be disposed of without noticing other respondents.
5. On due consideration, the matter is heard finally even without noticing the other respondents.
6. On due consideration, instant MCC is allowed. FA No. 138/2004 dismissed for want of prosecution on 10-2-2017 is restored to its original number.
7. No order as to costs.

Sd/-
(Chandra Bhushan Bajpai)
Judge