

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 537 of 2017

- Smt. Fagni Bai W/o. Piridhram, aged about 60 years, Village Bhodidih, Lawar, Post Koni, Thana Masturi, District Bilaspur, 495551
- Soni Bai W/o. Satruhan, Caste, aged about 36 years, Village Doduhani, Thana Torba, Tehsil and District Bilaspur Chhattisgarh.

---- Applicants

Versus

- Rajesh Keshkar S/o. Laxmi Prasad Keshkar, aged about 35 years, present working at CIMS Hospital, R/o. Village Darrighat, Thana and Tahsil Masturi, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants – Dr. N.K.Shukla, Senior Advocate with Shri Vikram Sharma, Advocate.

For Respondent – None, not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

04-09-2017

1. Heard on I.A.No.1/2017 for condonation of delay as the instant MCC has been preferred after 157 days of its limitation.
2. On due consideration, for the reasons mentioned in I.A.No.1/2017 this Court is of the considered view that the applicants have satisfactorily explained the delay in filing the instant MCC. Consequently, I.A.No.1/2017 is hereby allowed and the delay of 157 days in filing the instant MCC is condoned.
3. Heard the matter finally.
4. Learned counsel for the applicants would submit that the respondent was not noticed even on 30-11-2016 when the MCC No.466 of 2016 was taken for hearing, hence, the instant MCC may also be heard finally even without noticing to the respondent.
5. On due consideration the matter heard finally without noticing the respondent.

6. Learned counsel for the applicants would submit that as the said MCC No.466 of 2016 dismissed on a peremptory order dated 30-11-2016 and when the applicants attempted to remove the default after the three weeks' time granted, the said was not permitted, and if permitted the applicants shall remove the default pointed out in the said MCC within two weeks from today.

7. On due consideration, the instant MCC is hereby allowed. The applicants are directed to remove the default as pointed out in MCC No.466 of 2016 within two weeks from now. If the default is removed within the time granted by this Court, then only the said MCC be restored to its original number.

8. No order as to cost.

Sd/-

(Chandra Bhushan Bajpai)
Judge