

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C No.139 of 2017**

Sant Baks Singh S/o Late Mahavir Singh, Aged About 85 Years Agriculturist,
R/o Village Gadiraj Tehsil And District Sukma, Madhya Pradesh Now
Chhattisgarh (Appellants In The Second Appeal)

---- Applicant

Versus

1. Sub Divisional Officer Revenue Konta, Sukma, Head Office Sukma, District Sukma, Madhya Pradesh (Now Chhattisgarh) (Respondent No. 1 In The Second Appeal)
2. State Of Madhya Pradesh (Now Chhattisgarh) Through Collector Bastar (Now Sukma) Madhya Pradesh (Now Chhattisgarh) (Respondent No. 2 In The Second Appeal)

-----Non-Applicants

For Applicant:

Shri Vikram Sharma, Advocate.

For Non-Applicants/State:

Shri Sanjeev Pandey, Govt. Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

30.08.2017

1. Heard on IA No.1, an application for condonation of delay in filing this M.C.C.
2. On due consideration of the reasons mentioned therein, the same is allowed. Delay in filing the M.C.C is hereby condoned.
3. Also heard on admission.
4. This M.CC has been filed for restoration of Second Appeal No.933/2000, which was dismissed by this Court vide order dated 25.08.2014 for want of prosecution.
5. It is submitted by the Applicant that a case was filed in the year 2000 by one Shri AB. Khan and after the enforcement of Reorganization Act, 2000, the

same has been transferred to this Court. The case was thereafter listed for its hearing but the name of the Counsel for the Appellant i.e. Dr. NK. Shukla was not published in the cause list as Advocate for the Appellant. Therefore, the Appellant was not aware of the listing of the matter and could not make his appearance on the date when the Appeal was called for its hearing and because of his non-appearance, the Appeal has been dismissed in default. It is submitted further that when the Appellant came to the Office of the Counsel regarding ascertaining the status of his case, then only, the said Counsel has enquired its whereabouts and came to know that the Appeal has already been dismissed for non-prosecution on 25.8.2014. It is therefore submitted that the alleged default as occurred was bona fide and there was no any mala fide intention behind it.

6. After going through the submissions made therein and the contents thereof, I allow the application and restore the Second Appeal, which was dismissed in default on 25.8.2014 to its original number as Second Appeal No.933/2000. No order as to costs.

Sd/-
(Sanjay Agrawal)
JUDGE