

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Civil Case No.32 of 2017**

- Brijesh Chandrapal Singh S/o Shri Sheo Kabilas Singh, Aged About 53 Years Deputy Collector, Surguja, R/o Surguja, Tahsil And District Surguja, Chhattisgarh

---- Applicant**Versus**

1. State Of Madhya Pradesh Through Principal Secretary, General Administrative Department, Government Of Madhya Pradesh Mantralaya, Bhopal (Madhya Pradesh)
2. Shri Chhotelal Banjare, Deputy Collector Surguja, Chhattisgarh
3. Shri N.R.Tonder, Deputy Collector, Jabalpur, Madhya Pradesh

---- Respondents

For applicant	: Shri Anukul Biswas, Advocate
For respondent No.1	: Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Judgment On Board****23.01.2017**

Heard on IA No.01/17 for condonation of delay under Section 5 of the Limitation Act as the instant MCC has been preferred after 2617 days of its limitation.

2. It is submitted on behalf of the applicant that initially the matter was filed before M.P. Administrative Tribunal Bench at Raipur as OA No.574/2000. Thereafter the matter was subsequently transferred to this Court and the matter was registered as WPS No.3316/2005 and on 24.9.2009 the said petition was dismissed for want of prosecution as the name of the parties were changed. Initially, the applicant has filed the petition

as Brijesh Chandrapal Singh but in the cause-list petitioner's name was mentioned as BL Singh and also on account of no knowledge the petitioner failed to appear or represent on 24.9.2009. With this, his petition was dismissed for want of prosecution. After getting knowledge of the said fact immediately the petitioner filed the instant MCC, the delay is boanfide and unintentional, the same may be condoned and the matter may be admitted for hearing and further the said WPS 3316, dismissed for want of prosecution, may be restored to its original number.

3. Perused the documents annexed along with the petition.

4. On perusal of the order dated 24.9.2009, it appears that the Court below directed the Registry to send a copy of order forthwith. There is no disclosure of fact whether the petitioner ever received a copy of order or not.

5. With the above, in the considered view of this Court, as the applicant failed to explain the delay of 2617 days in filing the MCC, though he was duly informed regarding the result of the said writ petition, IA No.01/17 is dismissed as not maintainable. As a consequence, the MCC too is dismissed as barred by limitation.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE