

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 132 of 2017**

1. Ramesh Kumar Turate Now Aged About 85 Years, Son Of Late Shyam Lal Turate, Presently Residing At Village Amti (Vinayakpur), Post Office Nikum, District Durg, Chhattisgarh
2. Smt. Ashalata, Now Aged About 79 Years, Wife Of Ramesh Kumar Turate, Presently Residing At Village Amti (Vinayakpur), Post Office Nikum, District Durg, Chhattisgarh

---- Applicants**Versus**

- Karmachari Grah Nirman Sahkari Samiti Rohinipuram, Raipur (M.P.) Dwara Sewak Ram Son Of Genda Ram Pandey, Vice President Karmachari Grih Nirman Sahkari Samiti Maryadit, Rohinipuram Raipur (M.P.), Amendment Name And Address- Kuber Ghrih Nirman Sahkari Samiti Maryadit Through President Kuber Grih Nirman Sahkari Samiti Rohinipuram, Raipur, Chhattisgarh

---- Respondent

For Applicants : Ms. Kiran Singh, Advocate

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****11/04/2017**

1. Heard on 01/2017. This is an application for condonation of delay in filing the present M.C.C. for restoration of Civil Revision No.2032/1998 dismissed in default on 29.06.2005.
2. Indisputably, the above M.C.C. is filed with inordinate delay of 4200 days.
3. The reasons assigned in filing the present M.C.C. are that the counsel engaged to prosecute the revision had expired, due to this fact, the applicants were not aware about the progress of the case. Thereafter, the applicants came to know that the case has been transferred to this High Court and after transfer of the case, SPCs were also issued to the applicants as well as their counsel. It is further put forth in the M.C.C. that the counsel engaged subsequently had also expired, and therefore, the applicants have been unable to get in touch with their case.

4. The above application for condonation delay in filing the M.C.C. does not disclose any sufficient ground explaining the delay occurred in filing the M.C.C.

5. It is the sufficient cause which gives jurisdiction to a court to condone the delay. Normally, after the expiry of the period right to sue extinguishes and the other side acquires right which normally should not be disturbed. Only in case of proving a sufficient cause the applicant is entitled to continue the litigation further.

6. In the instant case, the applicants could not explain the inordinate delay of 4200 days in filing the M.C.C. The extent of liberal construction should not be such that it may totally ignore the public policy on which the law of limitation is founded and thereby defeat the very purpose of the law of limitation. The court would not grant exemption from limitation on equitable consideration or on the ground of hardship. Therefore, delay occurred in filing the M.C.C. cannot be condoned. Accordingly, IA No.01/2017, application for condonation of delay in filing the M.C.C. is dismissed.

7. Consequently, the instant M.C.C. is also dismissed as barred by limitation.

8. No order as to costs.

Sd/-

(Sanjay Agrawal)
Judge