

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 237 of 2017

1. Smt. Fagni Bai W/o Pirithram Kenwat, aged about 60 years, Caste Kenwat, R/o Village Lavar Bhothidih, Post Masturi Thana & Tehsil Masturi, Distt. Bilaspur, Chhattisgarh
2. Soni Bai W/o Shatruhan Kenwat, aged about 30 years, Caste Kenwat, R/o Village Lavar Bhothidih, Post Masturi Thana & Tehsil Masturi, Distt. Bilaspur, Chhattisgarh(Plaintiffs)

---- Applicants

Versus

1. Rajesh Keshkar S/o Lakshmi Prasad Keshkar, aged about 35 years, Present working at CIMS Hospital, R/o Village Darrighat Thana & Tehsil Masturi, Distt. Bilaspur, Chhattisgarh(Defendant)

---- Respondent

For Applicants – Mr. Akhilesh Kumar, Advocate.
For Respondent – None, not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21/03/2017

1. The instant MCC has been preferred after 21 days of its limitation.
2. Heard on I.A.No.1/2017 for condonation of delay.
3. On due consideration, for the reasons mentioned in I.A.No.1/2017 and the argument advanced, this Court is of the considered view that the applicants had satisfactorily explained the delay of 21 days in filing the instant MCC. Consequently, I.A.No.1/2017 is hereby allowed and the delay of 21 days is hereby condoned.
4. Also heard the matter finally.
5. By filing the instant MCC the applicants prayed that MCC No.466/2016 dismissed on peremptory order dated 30-11-2016 whereby and whereunder three weeks' time was granted the applicants to remove the default, as the same

was not removed within the stipulated time, the said MCC stands dismissed on peremptory direction.

6. It is submitted on behalf of the applicants that they will remove the default as pointed out in the said MCC within a week from now.

7. The statement of learned counsel for the applicants is hereby recorded.

8. On due consideration, the instant MCC is hereby allowed. The applicants are directed to remove the default within a week from now in the said MCC No.466/2016. With this pre-condition, MCC No.466/2016 is restored to its original number. It is further directed that if the default in the said MCC is not removed within a week from now, the order passed in the instant MCC shall lose its efficacy.

9. The instant MCC disposed of and allowed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE