

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 320 of 2017

1. Ram Suresh Singh S/o Late Ram Singhasan Singh, Aged About 54 Years, R/o Gulai Daphai, North Jhagrakhand, Distt. Korea, Chhattisgarh

---- Applicant

Versus

1. South Eastern Coal Fields Limited Through its Chairman Cum Managing Director, Seepat Road Bilaspur, Chhattisgarh
2. Chief General Manager, Hasdeo Area P.O. South Jhagrakhand Colliery Distt. Korea, Chhattisgarh
3. Singhi Colliery Education Society, Through its Principal H.S.School North Jhagrakhand Colliery Distt.Korea, Chhattisgarh

---- Non-applicants

For Applicant – Shri Ravindra Sharma, Advocate.

For Non-applicants – None.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

26-04-2017

1. Perused the matter.
2. As per the facts, WP No.685/2006 was dismissed for want of prosecution on 03-03-2017 and the instant MCC as been preferred on 30 March, 2017. As per Limitation law, the instant MCC has been preferred within its limitation, i.e., within 30 days, though there is no note in the entire MCC or anywhere put by the office showing that the application is within limitation. Limitation law is very clear for filing the MCC. Also there is no note in the note of Registry whether the said MCC has been preferred within its limitation or not. There is no any law which prohibits the application of limitation law on filing the MCC in case of dismissal of a writ petition for want of prosecution. As there is settled law for limitation clause and by not mentioning the said facts Registry has committed a mistake, Registrar (Judicial) is directed to take steps against the erring official and also to ensure that the said mistake may not come again.
3. As the instant MCC is preferred within it limitation, the same is admitted

for consideration.

4. Also heard the matter finally.

5. On due consideration, the instant MCC is hereby allowed. WP No.685/2006 dismissed for want of prosecution on 03-03-2017 is restored to its original number.

6. No order as to cost.

7. The MCC allowed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE