

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 528 of 2017

1. Madan Mohan Dwivedi S/o Late Shri Gauri Shankar Dwivedi Aged About 70 Years (Ex. Employee Of Dena Bank), R/o Kumharpara, Police Station Ambagarh Chowki, District Rajnandgaon, Chhattisgarh (Defendant No. 2 In Original Suit Before The Court Below)

---- Petitioner

Versus

1. Dena Bank A Banking Company, Incorporated Under Banking Company Act, 1970, Head Office- Naku Tower, Cough Parade Kalabo, Mumbai Having Its Branch At- Ambagarh Chowki, Tahsil Ambagarh Chowki, Police Station Ambagarh Chowki, District Rajnandgaon, Chhattisgarh Through-Branch Manager, Dena Bank, Ambagarh Chowki, (Plaintiff In Original Suit Before The Court Below)
2. Jay Prakash Rangare S/o Shri B. Sadashiv Rangare Occupation- Retired Govt. Servant, R/o - Ambagarh Chowki, Police Station & Tahsil Ambagarh Chowki, District Rajnandgaon, Chhattisgarh(Defendant No. 1 In Original Suit Before The Court Below)
3. Sharad Goverdhan S/o Shri Govind Goverdhan Ex. Officer, Dena Bank, R/o- Mamta Nagar, Forest Colony, Rajnandgaon, Police Station, Tahsil & District Rajnandgaon, Chhattisgarh(Defendant No. 3 In Original Suit Before The Court Below)
4. B.L. Maheshwari S/o Shri Shivilal Maheshwari Ex. Officer, Dena Bank, R/o- Anupam Nagar, Rajnandgaon, Police Station, Tahsil & District Rajnandgaon, Chhattisgarh..... (Defendant No. 4 In Original Suit Before The Court Below)
5. S.D. Meshram S/o Shri Faghu Ram Meshram Ex. Employee, Dena Bank, R/o Near Bus Stand, Police Station- Ambagarh Chowki, District Rajnandgaon, Chhattisgarh(Defendant No. 5 In Original Suit Before The Court Below)
6. Shiv Kumar Pandey S/o Shri Anant Lal Pandey R/o - Ambagarh Chowki, Police Station- Ambagarh Chowki, District Rajnandgaon, Chhattisgarh.....(Defendant No. 6 In Original Suit Before The Court Below)
7. Smt. Cheda Bai W/o Shri Mahavir Verma R/o - Ambagarh Chowki, Police Station- Ambagarh Chowki, District Rajnandgaon, Chhattisgarh..... (Defendant No. 7 In Original Suit Before The Court Below)

---- Respondent

For Applicant
For Respondent No.1

Shri R.K. Mishra, Advocate
Shri Vinod Deshmukh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/09/2017

I.A.No.1

- 1) This is an application for condonation of delay in filing the MCC.
- 2) After hearing learned counsel for the parties, the delay in filing the MCC is condoned.

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- 3) On the date when the applicant was allowed time to remove the default, it was listed for the applicant's failure (i) to move application seeking condonation of delay in filing the appeal; (ii) for non-payment of adequate Court fees; (iii) valuation of appeal is wrongly mentioned in the cause title; etc.
- 4) Having heard learned counsel for the parties and for the reasons mentioned in the MCC, the same is allowed. FA No.109 of 2013 is restored to its original number subject, however, to the condition that the appellant shall remove the defaults as pointed out by the office in the first appeal by 6th October, 2017. If the defaults are removed within the stipulated period, FA No.109 of 2013 be listed along with FA No.55 of 2011.

Sd/-

Judge
Prashant Kumar Mishra

Gowri