

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 529 of 2017

- Atal Ram S/o Variyamal, Aged About 78 Years R/o Juna Bilaspur, Tehsil, Revenue And Civil District Bilaspur, Chhattisgarh

---- Petitioner

Versus

- Dr. Shashi Shekhar Tripathi S/o Hari Govind Tripathi Aged About 68 Years Jaswant Nagar Itawa, Uttar Pradesh.

---- Respondent

For Applicants : Shri Rupesh Shrivastava, Advocate
For Non-applicant/State :

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

25.7.2017

Heard on IA No.01/2017, the application for condonation of delay.

2. As the instant MCC has been preferred after 113 days of its limitation.

3. Learned Counsel for the applicant fairly considered that on account of fault of the counsel, the applicant was not represented on 10/02/2017, when the first appeal no.186/93 was taken up for hearing, hence prayed that the said mistake be pardon and the delay may be condone and the matter may taken up for hearing.

4. On due consideration looking to the submission made by the learned counsel for the applicant. This court is of view that the applicant has satisfactorily made out a case for the condonation of 113 days. Consequently, IA No.01/2017, is hereby allowed. Delay of 113 days is hereby condone.

5. MCC admitted for hearing.
6. Heard the matter finally.
7. Learned counsel for the applicant would submit that as the respondent too was not represented on 10/02/2017, when the said appeal was taken up for hearing, hence, the instant MCC may be disposed of without even noticing the respondent. On due consideration instant MCC is hereby disposed of and allowed. First appeal No.186/93 dismiss for want of prosecution on 10/02/2017, is restore to its original number. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE