

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 726 of 2017**

(Arising out of order dated 02.08.2017 in Writ Petition (C) No. 1799 of 2017 of the learned Division Bench)

1. Kailash Agrawal S/o Late Ramnivas Agrawal, Aged About 45 Years R/o Old Sadar Bazaar, P.S. Kotwali, Raigarh, District Raigarh, Chhattisgarh
2. Smt. Dropati Devi Agrawal W/o Ramnivas Agrawal, R/o Old Sadar Bazaar, P.S. Kotwali, Raigarh, District Raigarh, Chhattisgarh

---- Applicants

Versus

1. State of Chhattisgarh Through The Law And Legislative Affairs Department, Mahanadi Bhawan Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Shyam Sunder Agrawal S/o Late Harishchandmal Agrawal, Aged About 62 Years R/o Old Sadar Bazaar, Raigarh, District Raigarh, Chhattisgarh
3. Ramkrishan Dalmiya S/o Amichand Dalmiya, Occupation Business, R/o Palace Road, Raigarh, District Raigarh, Chhattisgarh

---- Respondents

For Applicant	:	Shri Amit Sharma, Advocate
For State/Respondent No.1	:	Shri U.N.S. Deo, Government Advocate
For Respondent No.2	:	Amrito Das, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

09.10.2017

Heard.

1. The applicant was required as per Annexure - A/1 order to pay the cost imposed therein within a period of two weeks from 02.08.2017, the date on which that order was delivered in the open Court. The copy application was submitted by the applicant on 04.08.2017 and order was ready for delivery on 25.08.2017. The learned counsel for the contesting Respondent No.2 is right in pointing out that the order would have been uploaded. The fact also remains that Annexure – A/1 order was delivered on Board i.e. to say by dictation in the open Court. When dictations of orders are made in the Court prescribing time limits, it is not open to the parties to contend that the directions in the order would be complied only on the receipt of the copy of the order

when the time fixed to perform particular act under judicial order is not made depending upon the issuance and receipt of the certified copy. Hence, we find that the Applicant cannot seek cover under the so-called delay in the receipt of the certified copy for non-payment of the cost in time. However, taking a lenient view, the application is allowed, as a last opportunity, extension of time limit till 4.30 pm today. M.C.C. is ordered accordingly.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge