

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 814 of 2017**

1. Ramayan Suryavanshi S/o Late Shri Nanki Suryavanshi Aged About 57 Years R/o Village Beltara, Police Station Ratanpur, Tahsil And District [Civil And Revenue] Bilaspur Chhattisgarh
2. Kanhey Lal Suryavanshi S/o Ramayan Suryavanshi Aged About 57 Years R/o Village Beltara, Police Station Ratanpur, Tahsil And District [Civil And Revenue] Bilaspur Chhattisgarh

Versus

1. Munni Bai W/o Late Punnilal Laskar Aged About 42 Years R/o Village Beltara, Police Station Ratanpur, Tahsil And District [Civil And Revenue] Bilaspur Chhattisgarh
2. Akchhay Kumar S/o Late Punnilal Laskar Aged About 21 Years R/o Village Beltara, Police Station Ratanpur, Tahsil And District [Civil And Revenue] Bilaspur Chhattisgarh
3. Devendra Kumar S/o Late Punnilal Laskar Aged About 16 Years Through Their Vali Mother, R/o Village Beltara, Police Station Ratanpur, Tahsil And District [Civil And Revenue] Bilaspur Chhattisgarh
4. Ku. Anupama S/o Late Punnilal Laskar Aged About 13 Years Through Their Vali Mother, R/o Village Beltara, Police Station Ratanpur, Tahsil And District [Civil And Revenue] Bilaspur Chhattisgarh
5. Ankit Kumar S/o Late Punnilal Laskar Aged About 5 Years R/o Village Beltara, Police Station Ratanpur, Tahsil And District [Civil And Revenue] Bilaspur Chhattisgarh

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For Applicants:	Shri Vijay K. Deshmukh, Advocate.
For Non-Applicants:	None.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

28.11.2017

1. Heard on IA No.1, an application for condonation of delay of 89 days in filing this M.C.C
2. On due consideration, the same is allowed. Delay of 89 days in filing the MCC is hereby condoned.

3. Also heard on admission.

4. This M.C.C has been filed for restoration of M.A(C) No.531/2017, which was dismissed as per the peremptory order dated 11.4.2017.

5. Learned Counsel for the Applicants submits that that said M.A (C) was filed by questioning the award dated 9.8.2016 on 27.2.2017. The said Appeal was listed for orders on default on 11.4.2017 as the receipt regarding deposition of Rs.25,000/- was not paid while preferring the said Appeal. After considering the prayer of the Appellants, the Court was pleased to grant him eight weeks' time to remove the said default, failing which, the Appeal shall be dismissed without further reference to the Bench. The order passed was not complied within time, therefore, the registry has treated the same as dismissed for non-compliance of the said peremptory order on 05.07.2017 and informed the Counsel for the Appellant vide memo dated 12.07.2017.

6. Shri Deshmukh, counsel for the Appellant submits that the requisite amount has been paid on 03.08.2007 although there was some delay in depositing the same but there was no malafide intention behind it. He therefore, submits for the restoration of the said Appeal.

7. On due consideration of the contention of the Counsel for the Applicants and the reasons assigned in the application, the instant M.C.C deserves to be and is hereby allowed. Accordingly, M.A.(C) No. 531/2017 dismissed as per the peremptory order dated 11.4.2017, is restored to its original number. No order as to costs.

Sd/-

(Sanjay Agrawal)
JUDGE