

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 412 of 2017**

- M/s Mohan Singh Sohan Singh Through Sohan Singh S/o Sadhu Singh, Aged About 62 Years, Timber Merchant, Saifabadi Gate, Patiyala (Punjab)

---- Applicant**Versus**

- M/s Prakash & Company A Registered Partnership Firm Registered Under Indian Partnership Act 1932 Carrying On Business Of Timber Merchants And Order Suppliers With Its Principal Place Of Business At Indra Ward Jagdalpu And Branch At Purushotthapuram Post Office Pochinnishiwada Vishakapatnam (A.P.)

---- Respondent

For applicants	: Shri Anup Majumdar, Advocate.
For respondent	: None for respondent.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****09.06.2017.**

1. Heard on IA No.2 of 2017, application for urgent hearing and IA No.3 of 2017, application for hearing the case during summer vacation
2. On due consideration, both applications are disposed of.
3. Also heard on IA No.1 of 2017, application under Section 5 of the Limitation Act, 1963 for condonation of delay in filing the instant MCC.
4. On due consideration of the reasons mentioned in the application and the arguments advanced, the applicant has

satisfactorily explained the delay in filing the instant application.

5. Consequently IA No.01 of 2017 is hereby allowed and the delay of 101 days in filing the application is hereby condoned.
6. As prayed, the matter heard finally.
7. Learned counsel for the applicant would submit that the matter may be disposed of even without issuing notice to respondent as the respondent was also not represented on 13th January, 2017, when the FA No.244 of 1999 was taken up for hearing and the said FA was dismissed for want of prosecution.
8. On due consideration, instant MCC is allowed. First Appeal No.244/1999 dismissed for want of prosecution on 13.1.2017 is restored to its original number. No order as to cost.

Sd/-

(Chandra Bhushan Bajpai)
V.JUDGE