

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 403 of 2017**

1. Smt. Sangeeta Soni W/o Late Manikant Soni, Aged About 45 Years R/o Qtr. No. 10-B, Street No. 22, Sector 7, Bhailai, Tahsil & District Durg, Chhattisgarh
2. Shrikant Soni, Late Manikant Soni, Aged About 25 Years R/o Qtr. No. 10-B, Street No. 22, Sector 7, Bhailai, Tahsil & District Durg, Chhattisgarh
3. Ravikant Soni, S/o Late Manikant Soni, Aged About 24 Years R/o Qtr. No. 10-B, Street No. 22, Sector 7, Bhailai, Tahsil & District Durg, Chhattisgarh

---- Applicants**Versus**

1. Bhilai Steel Plant Through The Managing Director, Bhilai Steel Plant, Ispat Bhawan Bhilai, District Durg, Chhattisgarh
2. General Manager, Town Administration Department, New Civic Centre, Bhilai Steel Plant, Bhilai, Tahsil & District Durg, Chhattisgarh

---- Respondents

For applicants	: Shri K.R. Lonia, Advocate under the authority of Shri Uttam Pandey, Advocate for the applicants.
For State/respondents	: None for respondents.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06.06.2017.**

Heard.

2. Learned counsel for the applicants undertakes to file his memo during the course of the day.
3. Heard on IA No.2 of 2017, application for hearing the case during summer vacation and IA No.3 of 2017, application for urgent hearing.

4. On due consideration, both applications are disposed of.
5. Also heard on IA No.1 of 2017, application under Section 5 of the Limitation Act, 1963 for condonation of delay in filing the restoration application as the MCC has been preferred after 45 days of its limitation.
6. 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.
7. Consequently IA No.01 of 2017 is hereby allowed and the delay of 45 days in filing the application is hereby condoned.
8. Learned counsel for the applicants would submit that respondents were not represented even when the original matter FA No.91 of 2016 has taken up for hearing on 17.3.2017. Hence, the matter may be heard finally even without noticing the respondents.
9. As prayed, the matter heard finally.
10. On due consideration, instant MCC is allowed. First Appeal No.91/2016 dismissed for want of prosecution on 17.3.2017 is restored to its original number. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE