

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 2536 of 2016**

Ankur Bajpai S/o Shri Prem Dutt Bajpai, Aged About 27 Years R/o Rajashwa Colony, Near Dashkholi, Sarkanda Tahsil & District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Law & Legislative Affairs, Mahanadi Bhawan Mantralaya, Naya Raipur, Tahsil & Distirct Raipur Chhattisgarh
2. The Rent Control Tribunal , Through Its Chairman, First Floor Old R.D.A. Building, Shastri Chowk Raipur, Tahsil & District Raipur Chhattisgarh
3. Smt. Parag Bai Sahu, Wd/o Late Shri Asharam Sahu, Aged About 60 Years R/o Rajashwa Colony, Near Dashkholi, Sarkanda, Tahsil & Distirct Bilaspur Chhattisgarh

---- Respondents

For Petitioner	: Shri Sourabh Sharma, Advocate.
For Respondent/State	: Shri J.K. Gilda, Advocate General with Shri A.S. Kachhawaha, Additional Advocate General.
For Respondent No.3	: Shri B.P. Sharma and Shri A.N. Bhakta, Advocates.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri P. Sam Koshy, Judge.****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****04/04/2017**

1. This writ petition is by the tenant against whom an order of eviction has been passed by the Rent Control Tribunal. That order was carried in appeal before the Tribunal. The appeal was barred by limitation of 11 days and therefore, seeks condonation of delay in filing the appeal. That application has been rejected. As a consequence, the Tribunal dismissed the appeal.
2. Having heard Learned Counsel for the Petitioner and Leaned Counsel for the contesting Respondent-landlord, we are satisfied that ends of justice would be secured, if the impugned order dismissing the appeal on delay is set aside and the delay is condoned on condition that the Petitioner-tenant pays the landlord an

amount of Rs.5,000/- as cost within a period of two weeks from today. If such amount is paid and proof of payment is produced before the Tribunal, the Tribunal shall take back the matter and decide it on merits treating that the delay is condoned by the effect of this order.

3. The writ petition ordered accordingly leaving open all the issues.
4. We also record the submission of Learned Counsel for the contesting Respondent that the Petitioner-tenant has actually vacated the premises and therefore, the Tribunal may expedite final disposal of the matter.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE

Anu