

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 854 of 2016

- Madhyapradesh Jesuits Loyola Niketan Lingiyadeh, Bilaspur through Father Fabianus Minj, Aged About 55 Years, S/o Late Shri Stanislas Minj, Treasurer Madhyapradesh Jesuits Loyola Niketan Lingiyadeeha Bilaspur, Police Station Sarkanda, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. Shri Ravatpura Sarkar Ashram Gram Panchyat Dhaneli Raipur, Tahsil and District Raipur, Chhattisgarh.
2. Ravatpura Sarkar, Lok Kalyan Trust, Bilaspur, Through Its Member Ajay Singh, S/o Dr. B. S. Singh, R/o Rajkishore Nagar Lingiyadeeha Bilaspur, Tahsil and District Bilaspur Chhattisgarh.
3. Ravatpura Sarkar, Lok Kalyan Trust, Bilaspur, Through Its Member Praveen Shukla, S/o Chandrika Prasad Shukla, R/o Gandhi Nagar Bilaspur, Tahsil and District Bilaspur Chhattisgarh.
4. State Of Chhattisgarh Through Its Collector Bilaspur Chhattisgarh.

---- Respondents

For Applicant : Mr. Ajay Kumar Barik, Advocate
For Respondent/State : Mr. Anil Pille, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

By Prashant Kumar Mishra, J.

17/07/2018

1. Heard on I.A. No. 01/2016, application for condonation of delay in filing the M.C.C.
2. For the reasons mentioned in the application, the same is allowed and the delay in filing the M.C.C. is hereby condoned.
3. First Appeal No. 31/2013 was dismissed for want of prosecution on 27.11.2014. Thereafter the applicant preferred MCC No. 399/2016 in which notices were issued to the opposite parties. However, it came to be dismissed for want of prosecution on 09.09.2016. The applicant preferred MCC No. 854/2016 for restoration of MCC No.

399/2016. However, yet again, this MCC was dismissed for want of prosecution on 12.05.2016. The applicant once again preferred third MCC bearing MCC No. 603/2017 which was allowed by this Court on 13.12.2017 and the present MCC i.e. MCC No. 854/2016 was restored.

4. After hearing learned counsel for the applicant, we feel that in the interest of justice, this application can be allowed by imposing cost of Rs. 10,000/-.
5. Accordingly, the present MCC for restoration of MCC 399/2016 is allowed subject to the applicant's depositing cost of Rs.10,000/- with the High Court Bar Association within a period of 15 days from today.

Sd/-

Judge

(Prashant Kumar Mishra)

Sd/-

Judge

(Vimla Singh Kapoor)