

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M. C. C. No. 598 of 2018

Jeevanlal Sahu **Versus** Smt. Maya Thavre & others

27.08.2018	Shri S. S. Baghel, counsel for the applicant. Heard on I.A. No.01 for condonation of delay in filing the MCC. For the reasons assigned in the said application and finding them to be satisfactory, I.A. No.01 is allowed and the delay of 151 days in filing the MCC stands condoned. Also heard the MCC on merits. It has been preferred seeking for restoration of MAC No.1415/2017 which got dismissed by a peremptory order passed by this court on 10.01.2018. The record shows that vide order dated 24.10.2017 this court had stayed the execution of the award subject to the appellant's depositing an amount of rupees 2.25 lakhs in addition to what was already deposited. However, till 10.01.2018 the said amount was not deposited and therefore, this Court granted 15 days further time to comply with the interim order with a peremptory order that failing to comply with the direction, the MAC would stand automatically dismissed without reference to the Court. It appears that the appellant could not comply with the order within the stipulated time and by virtue of the peremptory

order the MAC got dismissed.

Counsel for the petitioner has now complied with the order by depositing the said amount on 09.07.2018 and prays for restoration of the MAC to be decided on merits. He further submits that the applicant herein is a poor person and he could not arrange money which was ordered by this Court to be deposited and it is only now he has been able to arrange the said money which he deposited on 09.07.2018, therefore, prays for restoration of MAC No. 1415 of 2017.

Given the totality of the facts and circumstances of the case, particularly taking into consideration the averments made in the MCC, this Court is of the opinion that a strong case for allowing the MCC has been made out.

Accordingly, present MCC is allowed and MAC No.1415/2017 stands restored to its original number. No order as to costs.

Sd/-
(P. Sam Koshy)
JUDGE