

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FA No. 35 of 2018**

Chhote Lal @ Devendra Kumar Aged About 81 Years Caste Bramins , R/o
Adbhar Tahsil Sakti District Janjgir Champa Chhattisgarh. , Chhattisgarh .

---- Appellant**Versus**

1. Smt. Indramani Garg W/o Vijay Kumar Garg Caste Agarwal , R/o Kharsiyani Thasil Kharsiyani District Raigarh Chhattisgarh. , Chhattisgarh
2. Smt. Ushadevi W/o Late Asmi Kumar Aged About 36 Years R/o Tiwari Chaul , Rajkishor Nagar Near State Bank Bilaspur District Bilaspur Chhattisgarh. , District : Bilaspur, Chhattisgarh
3. Abhishekh S/o Late Asim Kumar Aged About 19 Years R/o Tiwari Chaul , Rajkishor Nagar Near State Bank Bilaspur District Bilaspur Chhattisgarh. , District : Bilaspur, Chhattisgarh
4. Ambar S/o Late Asim Kumar Aged About 15 Years Minor, R/o Tiwari Chaul , Rajkishor Nagar Near State Bank Bilaspur District Bilaspur Chhattisgarh. , District : Bilaspur, Chhattisgarh
5. State Of Chhattisgarh Through The Collector District Janjgir Champa Chhattisgarh. , District : Janjgir-Champa, Chhattisgarh

---- Respondents

For the Appellant	:	Shri Ravi Ranjan Sinha, Advocate
For the State	:	Shri D.K. Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14/11/2019**

1. Counsel for the appellant submitted that four weeks time granted to pay the deficit Court fees. He further submitted that last opportunity may be given. He also submitted that it is a discretion of the Court to extend the time.
2. Earlier this Court has granted time to remove the default on 11/01/2018, 06/09/2018, 04/01/2019, 25/01/2019, 01/03/2019, 01/04/2019, 29/04/2019, 20/06/2019 and 25/07/2019 yet default is not removed.

3. It would be pertinent to mention the provisions of Section 148 of Code of Civil Procedure (for short, '*CPC*') which reads as under :-

“148. Enlargement of time - Where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by this Code, the Court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired”.

4. In the case in hand the appellant has not filed any application under Section 148 of CPC.
5. Appellant has not got the enough time to pay the deficit Court fees and furnishing the certified copy of the impugned judgment and decree.
6. As per Section 148 of CPC the Court can only enlarge the time for a maximum period of 30 days in total.
7. Looking to the above mentioned facts and circumstances of the case, this Court is not impressed with the aforesaid argument raised by counsel for the appellant. Instant appeal is dismissed on account of non-payment of deficit Court fees and not furnishing the certified copy of the impugned judgment and decree though enough time was provided to him.

Sd/-
(Sharad Kumar Gupta)
Judge