

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No.165 of 2017**

Vishnu Kumar, son of Brahmdutt Joshi, aged about 65 years, Resident of Danipara, Raigarh, Tahsil and District Raigarh (CG).

---- Applicant**Versus**

1. Vasudeo Singh, son of Ramjatan Singh, aged about 60 years, Occupation money lender.
2. Rajkishore Singh, son of Vasudeo Singh, aged about 40 years, Occupation Bus Service and Contractor.

Both are resident of Kabir Chowk, Near Jute Mill, Raigarh, Tahsil and District Raigarh (CG).

---- Non-applicants

For Applicant	:	Mr. Rahul Agrawal, Advocate
For Non-applicant No.2	:	Mr. Anurup Panda, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

13/11/2019

- (1) Non-applicant No.1(a) Narayan & Non-applicant No.1(b) Prahlad have already died.
- (2) Heard on I.A. No.1/2017 application for condonation of delay in filing the restoration application.
- (3) Earlier on 01.08.2013 the co-ordinate bench of this Court has dismissed the First Appeal No.216/1992 for want of prosecution.
- (4) The applicant has preferred the instant MCC for restoration of the said appeal.

- (5) The application for restoration of the said first appeal is barred by limitation of 1259 days.
- (6) Counsel for the applicant submitted that the applicant is an old man and he is suffering from kidney disease. In support of case, he drew my attention on Annexure A-2. He further submitted that if the said first appeal is not restored then the substantive damage may be caused to the applicant.
- (7) Counsel for the non-applicant No.2 submitted that there is an inordinate delay in filing the restoration application.
- (8) In the case in hand, there is a delay of 1259 days. The applicant has failed to satisfy this Court that there is a sufficient cause for not preferring the restoration application within a stipulated period. He has also failed to explain the cause of delay day by day.
- (9) Looking to the above mentioned facts and circumstances of the case, I.A. No.1/2017 is rejected. Consequently, the instant MCC which is barred by limitation is also dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge

L/-