

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCC No. 499 of 2019

- Kunal Biswas S/o Shri Narayan Chandra Biswas Aged About 35 Years Occupation Panchayat Secretary, Gram Panchayat Kanker, Tahsil Pakhanjur, District Kanker Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Collector, Kanker Chhattisgarh.
2. Chief Executive Officer, Janpad Panchayat Koilibeda, Tahsil Pakhanjur, District Kanker Chhattisgarh.
3. Dhasroo Ram Mandavi Sarpanch Gram Panchayat Kanker, Tahsil Pakhanjur, District Kanker Chhattisgarh.
4. Dipankar Haldhar PS/o Bashish Haldhar R/o PV-27, Gram Panchayat Kanker, District Kanker Chhattisgarh.

---- Respondents

For Applicant	:-	Shri S.A. Ansari, Advocate
For Respondent-State	:-	Shri Sudeep Verma, Dy G.A.

Order On Board ByHon'ble Justice Shri Prashant Kumar Mishra19/06/2019

1. This MCC is for extension of time to comply order passed by this Court on 10.03.2017 in MCC No.215/2017 whereby while allowing prayer for restoration the applicant was directed to deposit cost of Rs.10,000/- to the High Court of Chhattisgarh **Middle Income Group Legal Aid Society** within a period of two weeks.
2. The writ petition bearing WP No.1103/2002 remained pending for about 5 years when the same was dismissed on 09.03.2007 for non-compliance of Court's order. The petitioner filed an application bearing MCC No.253/2008 on 31.07.2008 for restoration of WP No.1103/2002. The said MCC was barred by delay of 479 days. By order dated 29.10.2013 the application i.e. MCC No.253/2008 was dismissed for want of prosecution. Subsequently, the petitioner filed MCC No.1064/2015 for restoration of MCC No.253/2008. The said MCC was allowed on 11.01.2016 and restored the MCC No.253/2008. Thereafter, by order dated 17.03.2016 MCC No.253/2008 was allowed and the Writ Petition No.1103/2002 was restored subject to payment cost of Rs.1000/-. Applicant did not comply with the condition imposed in the restoration order. Therefore, he moved another MCC for extension of time to comply with the order dated 17.03.2016. In this MCC bearing No.215/2017 petitioner was directed to deposit cost of Rs.10,000/-.

However once again the petitioner failed to deposit the cost within stipulated period of 2 weeks and has now preferred this third MCC after more than 2 years from 10.03.2017.

3. Considering the repeated default made by the petitioner by not complying the orders passed by this Court, I am not inclined to allow any further time for deposit of cost. The applicant appears to be habitual in committing default, therefore, he does not deserve any leniency in the matter.
4. Accordingly, the MCC is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Ankit