

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 654 of 2019

- G.V. Rathor S/o Late Shri V. Rathore Aged About 82 Years
R/o Kelkar Para, Raipur Chhattisgarh., District : Raipur,
Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh through The Department of Water
Resources Department, Dam Division No. 1, Rudri, Via
Dhamtari, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant : Mr. Siddharth Rathod, Advocate.

For State : Mr. Ravish Verma, Govt. Advocate.

SB: Hon'ble Shri Justice Ram Prasanna Sharma

ORAL ORDER

18-09-2019

1. Heard on I.A.No.1 of 2019, which is an application for
condonation of delay in filing the instant MCC which is
supported by an affidavit of G.V. Rathor.
2. Present MCC has been filed for restoration of Civil Revision
no. 34 of 2014 which was dismissed for want of prosecution
on 8-12-2015.
3. As per the applicant, due to bona fide mistake on the part of
the counsel, he could not appear before this court when the

case was called for hearing, therefore, mistake is liable to be condoned. Civil Revision was dismissed for want of prosecution on 8-12-2015 whereas application for restoration of said revision is filed on 15-7-2019 i.e., after three years, eight months and seven days (total 1345 days).

4. I have heard, learned counsel for the parties.
5. The question for consideration of this Court is whether the applicant has shown sufficient cause for restoration of the said revision. The test which is applied is whether the applicant honestly and sincerely intended to prosecute the said revision. The application for restoration of civil revision is filed after three years, eight months and seven days. . It is the case where the party had knowledge about listing of the case. Filing of an application after lapse of time shows that the applicant has not acted diligently and remained inactive for a long. It can be said that the applicant has acted in negligent manner and there was want of bona fide on his part. It is not the case where applicant sincerely intended to contest the case and did its best to do so, therefore, it is the applicant who could be blamed for non-prosecution of the case. The application for restoration of said revision is filed after three years, eight months and seven days which is

clearly after expiry of the period of limitation, in other words the application is hopelessly time barred.

6. This Court in the facts and circumstances of the case cannot ignore the period of limitation because no court shall have jurisdiction to entertain any application if the same has been filed after expiry of the period of the limitation. The application is evidently time barred and looking to the gross negligence of the applicant this Court has no reason to restore the said revision.
7. Accordingly, the instant MCC is liable to be and is hereby dismissed. Consequently, I.A. No. 1/2019, application for condonation of delay in filing the present MCC also stands dismissed.

Sd/-

(Ram Prasanna Sharma)

JUDGE

Raju