

HIGH COURT OF CHHATTISGARH, BILASPURM.C.C.No.864 of 2019

Brijmohan Agrawal, S/o Late Shri Kalicharan Agarwal, aged about 61 years,
R/o Danipara, Raigarh, Tehsil and District Raigarh, Chhattisgarh

(Appellant)
---- Applicant

Versus

Madhukar Singhania, S/o Shankarlal Singhania, aged 59 years, R/o Kotba
Road, Lailunga, Post and Tehsil Lailunga, District Raigarh (C.G.)

(Respondent)
---- Non-applicant

For Applicant: Mr. Hemant Kumar Agrawal, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, CJ
and Hon'ble Shri Sanjay K. Agrawal, J

Order On Board

Sanjay K. Agrawal, J

23/09/2019

1. This is an application for restoration of F.A.No.275/2019 which was dismissed for non-compliance of order dated 25-6-2019.
2. This Court by order dated 25-6-2019, granted one month time from the date of order i.e. 25-6-2019 to satisfy the court fees to the appellant / applicant in terms of Section 149 of the CPC which the appellant deposited on 27-6-2019, as such there is two days' delay in satisfying the court fees.
3. Mr. Hemant Kumar Agrawal, learned counsel for the applicant / appellant, would submit that delay in making payment of court fees is bona fide and unintentional, and if the first appeal is not restored to its original number that will deprive the appellant / applicant from getting an opportunity to assail the order passed by the learned trial Court.
4. We have heard learned counsel for the appellant / applicant.

5. Taking into consideration that there is only two days' delay in satisfying the court fees in terms of Section 149 of the CPC and considering the fact that F.A.No.275/2019 filed under Section 96 of the CPC was dismissed for want of payment of court fees within the prescribed time, we deem it appropriate to restore the instant appeal subject to payment of cost of ₹ 2,000/- to the Chhattisgarh High Court Legal Services Committee.
6. In that view of the matter, the first appeal is restored to its original number subject to payment of cost of ₹ 2,000/- by the appellant / applicant before the Chhattisgarh High Court Legal Services Committee within seven days from today.
7. The MCC stands finally disposed of by restoring the first appeal for hearing and disposal in accordance with law.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge