

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC NO. 547 OF 2020**

- Mangluram Dewangan, S/o B.R. Dewangan, aged about 70 years, R/o Kududand, Tahsil and District Bilaspur (Chhattisgarh)

... Applicant**versus**

1. Surendra Kumar Singh, S/o Raghuraj Singh, aged about 69 years, Retired Executive Engineer, R/o Mungeli Road, in front of Minocha Colony, Green Garden, Bilaspur (Chhattisgarh).
2. Smt. Radha Bai, W/o Chabinath Rao, aged about 70 years, R/o Warehouse Road, Jarhabhata, opposite to Legal Aid Office, Bilaspur, Tahsil and District Bilaspur (Chhattisgarh) (Now Dead).
3. State of M.P., now Chhattisgarh, through Collector, Bilaspur, Tahsil and District Bilaspur (Chhattisgarh).

... Non-applicants

For Applicant	:	Mr. Rahul Mishra, Advocate.
For Non-applicant No.3/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/12/2020**

1. Heard on I.A. No.1 - application for condonation of delay.
2. The present MCC has been filed by the Applicant with a delay 1675 days.
3. The present MCC has been preferred seeking restoration of MCC No. 776/2015 which got dismissed by virtue of peremptory order passed by this Court on 10.3.2016. The said MCC itself was filed for restoration of Civil Revision No. 149/2011 which earlier got dismissed on default vide order dated 22.10.2013.
4. The original Civil Revision No.149/2011 got dismissed on default on 22.10.2013. The Applicant subsequently filed MCC No. 776/2015 after about two years of time. The said MCC filed was a defective MCC and therefore the Applicant was granted time vide peremptory order dated 10.3.2016 to remove the defaults which the Applicant failed miserably and consequently the MCC got dismissed on default. Subsequently, it is now after more than 4½ years of time, the present MCC has been filed by the Applicant seeking restoration of MCC No. 776/2015. Considering the reasons assigned in the I.A. No.1, this Court does find any sufficient cause shown by the Applicant for condoning the delay of 1675 days.

5. Given the nature of dispute, it was incumbent upon the Applicant to have vigilant and prompt in ensuring that the matters are taken up promptly for ventilating their grievances. The fact that the Applicant has not shown any interest that itself shows that he was not keen in contesting the matter for long and he has also has not shown any strong justification for the delay caused; firstly, in approaching this Court by filing earlier MCC and now again after an inordinate delay in filing of the present MCC.

6. For the aforesaid reasons, I.A. No.1 - application for condonation of delay is dismissed. Consequently, the present MCC also stands dismissed being barred by limitation.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE