

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 557 of 2020

- Radhehari Pandey S/o Ramanand Pandey Aged About 53 Years Caste Bramhan , Resident Of Village Raveli, Tahsil Berla, Police Station Berla, District Durg Chhattisgarh. **---- Petitioner**

Versus

1. Sukhram S/o Manshiram Aged About 55 Years Caste Koshta , Resident Of Village Simga, Police Station And Tahsil Simga , District Raipur Now District Baloda Bazar Chhattisgarh.
2. State Of Chhattisgarh Through Collector, District Raipur Now District Baloda Bazar Chhattisgarh. **---- Respondents**

For the Petitioner: : Shri Prakash Tiwari, Advocate.

For the State/Respondent No.2: : Shri Udhav Sharma, G.A.

Single Bench:Hon'ble Shri Sanjay S. Agrawal, J
Order On Board

15.12.2020

Heard on I.A. No.1/2020, an application for condonation of delay of 612 days in filing this petition.

Learned counsel for the petitioner submits that the matter was listed for final hearing with effect from 18.02.2019 to 22.02.2019 and due to bonafide mistake, the engaged counsel could not appear before the Court when the matter was called and was under the impression that the matter was pending and required to be listed for final hearing in its due course. However, on being enquired about the status of the matter, then only he came to know that the appeal has already been dismissed vide order dated 21.02.2019 for non-prosecution.

It is submitted further that immediately upon knowing the said fact, an application for obtaining the certified copy of the same was made on

23.11.2020 and in pursuance thereof it was delivered on 24.11.2020 and immediately thereafter i.e., on 26.11.2020, the instant petition has been filed for restoration of the same.

It is submitted further that the alleged delay has occurred bonafidely and there is no malafide intention behind it, therefore, it may be condoned.

On due consideration of the reasons assigned therein, which is duly supported by an affidavit, I am inclined to allow the same.

The application is allowed and delay is accordingly condoned.

Heard on admission.

This M.C.C. has been filed for restoration of F.A. No.19/2015, which was dismissed in default by this Court vide order dated 21.02.2019.

For the reasons assigned in the application for restoration of the said appeal, I am inclined to allow the same.

Accordingly, the instant M.C.C. is allowed and F.A. No.19/2015 is restored to its original number.

Sd/-
(Sanjay S. Agrawal)
JUDGE

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