

HIGH COURT OF CHHATTISGARH, BILASPUR

M.C.C. No. 276 of 2020

1. Dharam Baiga, S/o Asadu Baiga, aged about 30 years, Caste Baiga
2. Birsia Baiga, W/o Dharam Baiga, aged about 28 years, Caste Baiga
Both R/o Village Kevachi, Police Station Gourela, Tehsil Pendra Road,
District Bilaspur (C.G.)

---- Applicants

Versus

1. Subhas Nagvanshi, S/o Lambu Nagvanshi, aged about 32 years, R/o Riyapara, Raigarh, District Raigarh (C.G.)
2. Barkat Mohd., S/o Alivali, aged about 40 years, Caste – Muslim, R/o Virpara H.No. 107 Talab, Raigarh, District Raigarh (C.G.)
3. Branch Manager, The Oriental Insurance Company Ltd. Divisional Office – Near Bus Stand Bilaspur, Chhattisgarh. Head Office- The Oriental Insurance Company Ltd., Registered Office- Oriental House No. A-25/27, Aasaf Ali Road, New Delhi, Divisional Office- New Rajeev Plaza Bilaspur, District Bilaspur (C.G.)
(Insurance Company)

---- Respondents

For Applicants	:	Shri Yogendra Chaturvedi, Advocate
For Respondents No. 1 & 2	:	None
For Respondent No.3	:	Shri Hanuman Agrawal, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

02.02.2021

1. Heard on I.A. No. 01 of 2020.
2. This is an application for condonation of delay of 343 days in filing the application.
3. For the reasons mentioned in the application which is supported by affidavit, the same is allowed and the delay in filing the application is condoned.
4. Earlier the applicants had filed an application (MCC No 284 of 2019) for restoration of the aforesaid appeal which was allowed by this Court by order dated 05.04.2019 subject to payment of cost of Rs.300/- to the High Court Legal Services Committee within a period of two weeks. While passing the said order, it was made clear that if the cost is not paid within stipulated period, the said order shall lose its efficacy.

5. Learned counsel for applicants submits that due to inadvertence the cost of Rs.300/- imposed by this Court was deposited in the account of High Court Bar Association Library Fund and unfortunately the receipt of the same has been lost. Since the cost of Rs.300/- is not deposited with the High Court Legal Services Committee, on account of there being a peremptory order the appeal (M.A.C. No. 414 of 2019) could not be restored.
6. Learned counsel for the applicants submits that he has made all possible efforts for tracing the receipt of the said deposit of cost or obtaining a certificate to this effect from the concerned bank but could not get the same. He submits that he is ready to pay the cost of Rs.300/- now as ordered by this Court on 05.04.2019 and is also ready to pay any other cost imposed by this Court.
7. Learned counsel for respondent No. 3 has no objection to the above prayer.
8. On due consideration and in the given facts and circumstances of the case, to advance the cause of justice, M.A.(C) No. 414 of 2019 is directed to be restored to its original number subject to payment of cost of Rs. 500/- as well as cost of Rs.300/- as ordered by this Court on 05.04.2019 with the High Court Legal Services Committee within a period of one week from today and furnishing receipt of the same to the Registry.

Sd/-

(Gautam Chourdiya)
Judge