

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 422 of 2021**

- Abhisek Singh S/o Purshottam Singh Aged About 42 Years R/o Village Akaltara, Tahsil And District Janjgir Champur Chhattisgarh

---- Applicant**Versus**

- Manharan Singh S/o Ajit Singh Kanwar Aged About 60 Years R/o Village Mahmadpur, Asstt. Teacher Primary School Katghari, Tahsil And District Janjgir Champa Chhattisgarh

---- Non-applicant

For Applicant:
For Non-Applicant:

Shri Shakti Singh Thakur, Advocate.
None.

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

24.08.2021

1. Heard on I. A. No.01/2021, an application for condonation of delay of 391 days in filing this petition.
2. Learned counsel for the Applicant submits that the previous counsel of the Petitioner could not appear in the matter on the date when it was listed owing to his poor health condition and when he went to his office on 08.07.2021, then only he came to know that the said appeal has already been dismissed for want of prosecution. It is submitted further that immediately thereafter on 12.07.2021, an application for obtaining the certified copy of the order dated 18.01.2019 was made and in pursuance thereof, it was delivered on 12.07.2021 and on the same day, i.e., on 12.07.2021, the instant petition has been filed. Further submission of learned counsel for the Applicant is that there was no mala fide intention for non-appearance of the counsel on the said date and the delay, which occurred, bona fide owing to the ill health of his

previous counsel, may be condoned.

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

4. The said application is allowed and delay in filing this M.C.C. is accordingly condoned.

5. Also heard on admission.

6. This M.C.C. has been filed for restoration of F.A. No.3/2005, which was dismissed in default by this Court vide order dated 18.01.2019.

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

8. Accordingly, the instant M.C.C. is allowed and F.A. No.3/2005 is restored to its original number. No order as to costs.

Sd/-

(Sanjay S. Agrawal)
JUDGE