

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 387 of 2021

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

---- Applicant

Versus

- Bhuwan Lal Sidar S/o Sukhram Sidar Aged About 60 Years R/o Village Parsahi Nala District Janjgir Champa Chhattisgarh. **----Non-Applicant**

For Applicant:	: Shri Atul Kumar Kesharwani, Advocate.
For Non-Applicant:	: None.

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

09.08.2021

1. Heard on I.A. No.01/2021, an application for condonation of delay in filing this petition.
2. It is contended by Shri Kesharwani, counsel for the Applicant that because of poor health condition, the earlier counsel could not appeared in the case on the date, when it was listed. It is contended further that when the applicant contacted his counsel on his office on 08.07.2021, then only he came to know that this matter has already been dismissed for want of prosecution. It is contended further that there is no malafide intention for his non-appearance on the said date, and it occurred only because of ill-health of his previous counsel. He also submitted an affidavit in support of the said contention, and prays for condonation of delay in filing this petition.
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 application is allowed and delay is accordingly condoned.
5. Also Heard on admission.

6. This M.C.C. has been filed for restoration of F.A. No. 160 of 2005, which was dismissed in default by this Court vide order dated 11.08.2017.
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.160 of 2005 is restored to its original number.

Sd/-
(Sanjay S. Agrawal)
JUDGE

vivek