

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 431 of 2021**

- Aziz Khan @ Mona Khan, S/o Gulab Khan, Aged About 37 Years R/o Indira Colony, Near Tarbahar Water Tank, Bilaspur, Tahsil And District - Bilaspur, M.P (Now Chhattisgarh)

---- Applicant**Versus**

- Tushar Kant Ghosh, S/o Late Sunilkumar Ghosh, Aged About 38 Years R/o Indira Colony, Near Tarbahar Water Tank, Bilaspur, Tehsil And District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:	Shri Saurabh Sahu, Advocate
For Respondent	:	Shri Vivek Bhakta, Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari**Order On Board****25/10/2021**

Heard on I.A.No.1, application under Section 5 of the Limitation Act.

Application for condonation of delay is supported by affidavit.

Considering the reasons assigned in the application and submission made by learned counsel, the application is allowed.

I.A.No.1 is allowed..

Also heard on application for restoration of F.A.626/2000 which was dismissed for want of prosecution on 28/02/2019.

On such date, the matter was called for two rounds but the counsel for the petitioner could not appear and counsel has submitted his affidavit in which, it is stated that he could not trace his case in the weekly cause list. Therefore, no litigant should suffer for lapse on the part of the advocate in civil cases.

Learned counsel for non-applicant opposes the application formally.

This Court finds sufficient cause for non-appearance of the counsel. Therefore, the MCC is liable to be allowed and is accordingly allowed and F.A.No.626/2000 is restored to its original number.

Sd/-
(Deepak Kumar Tiwari)
Judge