

HIGH COURT OF CHHATTISGARH, BILASPUR
MCC No. 609 of 2021

- Mohammad Altaf Memon S/o Abdul Kadar Aged About 31 Years R/o Singar Bhata, Kanker, Police Station And Post Kanker, Civil And Revenue, District Kanker (Chhattisgarh)

---- Applicant

Versus

1. Phanindra Bharat S/o Late Vishal Lal Bharat Aged About 60 Years R/o Thakur Road, Jagdalpur, Police Station And Post Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh), District : Bastar(Jagdalpur), Chhattisgarh
2. State Of Chhattisgarh Through Collector, Office Of Collectorate, Jagdalpur, District Bastar (Chhattisgarh), District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	: Mr. Prasoon Agrawal, Advocate.
For Respondent No. 1.	: Mr. Mayank Chandrakar, Advocate.
For Respondent No. 2.	: Mr. Sunil Otwani,

Hon'ble Shri Justice Sanjay K. Agrawal and

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

Sanjay K. Agrawal , J.

16.11.2021

1. Heard on IA no. 1/2021 for condonation of delay in filing the instant case.
2. The application is barred by 901 days.
3. We have heard learned counsel for the parties and considered their rival submissions herein above.

4. We have gone through the records and considered the cause for delay in filing the instant case for restoration of First Appeal No. 287/2015. Accordingly , the delay caused for restoration, is condoned.
5. Heard on admission.
6. Learned Counsel for the Applicant submits that for the reasons mentioned in the application, he could not rectify the facts as directed by this Court in order dated 08.09.2017 and therefore, first appeal be restored to its original number for hearing.
7. Learned Counsel for Respondent No. 1 Mr. Mayank Chandrakar would submit that subject to payment of cost, the appeal may be restored.
8. We have heard learned counsel for the parties, considered their rival submissions and after going through the records, we find sufficient cause that has been shown for not complying the order dated 08.09.2017. We deem it appropriate to restore First Appeal No. 287/2015 (Mohammad Altaf Memon Vs. Phanindra Bharat) subject to payment of cost of Rs. 5,000/- by applicant to respondent No. 1 within 15 days from today.
9. Paper-book be filed within four weeks from today.
10. Accordingly, the MCC is disposed of.

Sd/-

(Sanjay K. Agrawal)

Judge

Sd/-

(Arvind Singh Chandel)

Judge