HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No. 89 of 2017

Chandrakant Yadu **Versus** Municipalities, Bhatapara

20/09/2017	Shri V.K. Pandey, counsel for the appellant.
	Shri Rajendra Tripathi, P.L. for the State/Respondent No.2.
	Heard.
	Shri Pandey, learned counsel for the appellant would submit that as per the appellant and as per the office report also, the appeal is within limitation. However, the main judgment was passed on 31.07.2015, the review petition of which was dismissed on 20.12.2016, therefore, by way of abundant precaution, the appellant has moved an application for condonation of delay under Section 5 of the Limitation Act.
	After hearing learned counsel for the appellant, we are satisfied that the appeal was not preferred earlier for the reason that the review petition preferred by the appellant was pending, therefore, the appellant has shown sufficient cause for not preferring the appeal against the main judgment and decree dated 31.07.2015 within prescribed period of limitation. The delay in filing the appeal against the said judgment and decree dated 31.07.2015, therefore, deserves to be and is hereby condoned. Heard learned counsel for the appellant on admission. Admit.
	Issue notice to the respondents on merit on payment of

process fee as per rules.

Shri Rajendra Tripathi, learned Panel Lawyer would accept notice for the respondent No.2, therefore, process fee be paid for respondent No.1 only.

List it for final hearing in due course, subject to filing of paper book in terms of Rules 176 and 177 of the High Court of Chhattisgarh Rules, 2007.

Sd/- Sd/-

Judge Judge

Prashant Kumar Mishra Arvind Singh Chandel

Akhilesh