



CGHC010277192026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 701 of 2026

- Smt. Anita Das W/o Deepak Das D/o Umed Das Mahant Aged About 34 Years Present Age 45 Years Caste - Panika, R/o - Shanti Nagar House No. 223 Ward - 33, Housing Board Colony Balco Nagar, Korba Tehsil And District - Korba, Chhattisgarh

... Applicant(s)

versus

- Deepak Das S/o Janthir Das Aged About 42 Years Present Age- 51 Years Caste - Panika, Village Saphiya Thana Dabhara, Tahsil Malkharoda And Kanhaiya Das Mahant House Opposite Railway Station (Champa) Distt- Janjgir Champa Present Address - Associate Professor/ Incharge Registrar Hidayatullah National Law University, Abhanpur, Naya Raipur, Distt- Raipur (Chhattisgarh)

... Respondent(s)

For Applicant(s)	: Mr. S.V. Purohit, Advocate and Mr. Rajeshwar Das Manikpuri, Advocate
For Respondent(s)	: Dr. Nirmal Shukla, Senior Advocate along with Mr. Dinesh Bole, Advocate.

D.B. : Hon'ble Shri Parth Prateem Sahu, Judge
Hon'ble Shri Sachin Singh Rajput, Judge

Order on Board

Per Parth Prateem Sahu, Judge

21/08/2026

1. This MCC application is filed for restoration of the Review petition No.345 of 2025, which was dismissed observing that no one appeared when the case was called for hearing twice on the date, which was fixed for hearing i.e., 24.06.2026. Further, it is observed that the

petitioner has no interest in pursuing the matter due to efflux of time and accordingly the review petition was dismissed.

2. Perusal of the application would show that the learned counsel made pleadings in the application that according to the cause list case was fixed for hearing on 24.06.2026 after lunch at 2:15 p.m and copy of the cause list is also enclosed with this MCC which is marked as Annexure-A/2 and in a next paragraph it is pleaded that the Division Bench, passed the order without hearing the argument of the counsel for the petitioner and passed the order pre lunch, and therefore, the order is illegal.
3. In view of the grounds taken in the MCC application for restoration, we have called for the cause list dated 24.06.2026, in which one of the member (Justice Sachin Singh Rajput) presided the bench which passed the order impugned, was in another Division Bench in pre lunch session. Whereas order impugned was passed in post lunch session.
4. The Bench hearing this case today was constituted for hearing the cases from 10:30 a.m., the cause list which is enclosed along with this MCC of constitution of the bench at Court No.11 was to hear the cases from 2:15 p.m. i.e. post lunch session. In the afore mentioned facts of the case when counsel for the petitioner was brought to the notice that the pleadings made in the application is factually wrong and observed that, if he wants to get restoration of the review application, he may withdraw this application and file better constituted application with correct facts, he submits that he will not withdraw this application and will not file other application. He further stated that order be passed on this application only.
5. Learned Senior counsel appearing for the respondents submitted that the case was taken up for hearing after lunch by a bench where the

case was listed, Bench was constituted after 2:15 p.m. onwards on which date, he appeared for the respondent and supported the order.

6. Considering the aforementioned facts and circumstances of the case and further considering that factually wrong pleadings are made in the application and even after bringing to the notice of the learned counsel for the petitioner, about this fact and observing that he can file better application withdrawing the present one and that application may be considered in accordance with law, which he refused, we do not find any merit in this application.
7. Accordingly, instant MCC deserves to be and is hereby is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Sd/-
(Sachin Singh Rajput)
Judge

Vaishali