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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. NO. 61 /2015

(Arising out of an order dated 01.08.12 passed in W.P. No.600 / 2000, Surendra Tiwari Vs. General Manager & Another whereby the Writ Petition was dismissed for want of prosecution).

APPLICANT

[Petitioner]

: Surendra Tiwari S/o Shri Markhande Tiwari
Aged about 55 years, R/o Baikunth Nagar,
Camp-2, Bhilai, District - Durg-(C.G.)

VERSUS

RESPONDENTS

[Respondents]

- 1) The General Manager Beekay Engineering Corporation, 45/47, Industrial Estate, Bhilai, District - Durg-(C.G.)
- 2) Member Judge, Industrial Court, Bench Raipur, District - Raipur-(C.G.)

APPLICATION FOR RESTORATION OF W.P.NO.600 / 2000.

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102/9/2015

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HIGH COURT OF CHHATTISGARH AT BILASPUR

DB: HON'BLE SHRI P. SAM KOSHY &
HON'BLE SHRI C.B. BAJPAI, J.J.

M.C.C. NO. 61 OF 2015

APPLICANT : Surendra Tiwari

Versus

RESPONDENTS : The General manager
Beekay Engineer
Corporation and Another.

APPLICATION FOR RESTORATION OF W.P. NO. 600/2000.

Appearance:-

Shri P.R. Patankar, Advocate, for the applicant.

ORDER

(06- 02- 2015)

1. Heard on I.A. No. 01- which is an application for condonation of delay.
2. The instant M.C.C is barred by limitation of 871 days.
3. On due consideration, as sufficient cause has been shown in not filing of the application for restoration within stipulated period, the I.A. No. 01 is allowed and the delay in filing of the application for restoration is condoned.
4. The instant M.C.C. has preferred against the rejection of writ petition No. 600/2000 which was dismissed for want of prosecution on 01.08.2012.
5. Counsel for the applicant submits that after the writ petition was transferred to the State of Chhattisgarh, he has not received any intimation about the said writ petition by his counsel. Therefore, after the transfer he could not engage another counsel on account of which there was non appearance



on the part of the appellant on 01.08.2012 on which the writ petition got dismissed for want of prosecution. As sufficient cause has been explained by the counsel for the applicant for his non-appearance on 01.08.2012. We are of the opinion that the M.C.C. deserves to be allowed.

6. Accordingly and in view of the above, the instant M.C.C. is allowed, order dated 01.08.2012 dismissing the writ petition No. 600/2000 for want of prosecution is hereby recalled and writ petition No. 600/2000 is restored to its original number.

7. No order as to costs.

8. A copy of this order be kept in the record of writ petition No. 600/2000.

Sd/-
P. Sam Koshy
Judge

Sd//
C.B. BAJPAI
Judge