

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 620 of 2015**

1. Ramdas S/o Shri Ghasiyadas Aged About 32 Years

2. Munna S/o Ghasiyadas Aged About 31 Years

(In 1999 i.e. at the time of filing of second appeal, the applicants No. 1 & 2 were minor through natural guardian mother Smt. Prembai, W/o Ghasiyadas)

3. Sumitra Bai D/o Ghasiyadas Aged About 41 Years

4. Amritdas S/o Ghasiyadas Aged About 46 Years

5. Prem Bai W/o Ghasiyadas Aged About 69 Years

All R/o Village Raipura, Tahsil Sakti, Distt. Janjgir Champa Chhattisgarh

---- Applicants

Versus

Nohar Das S/o Jandhir Das Mohant Aged About 66 Years R/o Village Raipura, Tahsil Sakti, Distt. Janjgir Champa Chhattisgarh

---- Respondent

For Applicants	:	Shri Rajendra Tripathi, Advocate
For Respondent	:	Shri H.B. Agrawal, Sr. Advocate with Smt. Meera Jaiswal, Advocate

SB:Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****08/12/2015**

1. Heard on I.A.No.1, application for condonation of delay in filing MCC.
2. In the application for taking detailed facts in support of condonation of delay in filing MCC, it has been stated that appeal was transferred from High Court of Madhya Pradesh, Jabalpur to High Court of Chhattisgarh. The matter was listed on various

occasions, but when the case was listed on 7.7.2014, counsel ,who represented, could not take notice of listing of the case from the cause list and therefore, the case was dismissed for want of prosecution. It was only when the appellant contacted with Clerk of the counsel that dismissal of appeal came to the notice and immediately thereafter restoration application was filed.

3. Taking into consideration the aforesaid ground, application is allowed. Delay in filing MCC is condoned.
4. Heard on prayer for restoration of Second Appeal No.299/1999.
5. Taking into consideration the grounds urged in the application for restoration (MCC) which are similar to those grounds which have been stated in the application for condonation of delay and taking into consideration that it was a case transferred from High Court of Madhya Pradesh to this Court and the case was dismissed for want of prosecution, the application (MCC) is allowed. Order of dismissal dated 7.7.2014 is hereby re-called and the second appeal is restored to its original number.

Sd/-
(Manindra Mohan Shrivastava)
Judge