

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No.576 of 2014**

Sheikh Anjum @ Shiekh Ajim Nawab, S/o. Sheikh Ahmad, Aged about 68 years, R/o. Amardeep Talkies, Baijnathpara, Raipur, District Raipur (CG)

---- Applicant

Versus

M/s. Shakti Picture Circuit Ltd., Regd. Office, Saroj Talkies Building Amaravati, Tahsil and District Amaravati, Maharashtra

---- Respondent

Shri Rajendra Kumar Patel, counsel for the applicant.
Respondent not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order****15/10/2015**

Heard on IA No.02, application for condonation of delay in payment of PF.

2. On due consideration, the same is allowed and the delay in paying the PF is hereby condoned,

3. Learned counsel for the applicant submits that the instant MCC, preferred within its limitation, is against the order dated 08.7.2014 passed in SA No.1411/99 (Shiekh Anjuman @ Sheikh Ajeem Nawab vs. M/s. Shakti Picture Circuit Ltd), whereby and whereunder, the learned Court dismissed the second appeal for want of prosecution as no one represented the appellant when the case was called up for hearing.

4. Learned counsel for applicant further submits that application for restoration has been preferred within its limitation and the same may be considered without sending notice to the respondent.

5. On due consideration, prayer made in this behalf is allowed. The instant MCC is heard finally.

6. Learned counsel for the applicant further submits that the appellant in Second Appeal No.1411/99 died on 18.10.2014. Application (IA No.01/14) under Order 22 Rule 3 of the CPC has been preferred to substitute the LR's of the sole appellant/applicant within its limitation, i.e. on 28.11.14 along with affidavit and death certificate. Learned counsel prayed that the same may be allowed and the proposed LR's may be permitted to substitute their names in the second appeal and to prosecute the appeal as appellants.

7. On due consideration, as the IA No.01/14 has been preferred within its limitation, the same is allowed. Applicants, as mentioned in the IA No.01/14, are permitted to delete the name of sole appellant and to substitute legal representative to prosecute the instant second appeal as appellants.

8. Also on due consideration, instant MCC is allowed. Second Appeal No.1411/99 dismissed for want of prosecution on 08.7.2014 is restored to its original number. The applicants are directed to substitute their names after deleting the name of deceased sole appellate as appellants and they are permitted to prosecute the second appeal. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

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