

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No.146 of 2015**

1. Trilochan Singh (Dead) Through Smt.Darshan Kaur W/o Late Shri Trilochan Singh Aged About 84 Years R/o Nayapara, Gidam Road, Jagdalapur, C.G.
2. Jungbahadur Singh S/o Late Shri Trilochan Singh Aged About 58 Years R/o Nayapara, Gidam Road, Jagdalpur, C.G.
3. Pritpal Singh S/o Late Shri Trilochan Singh Aged About 55 Years R/o Nayapara, Gidam Road, Jagdalpur, C.G.
4. Smt. Surinder Kaur W/o Shri Kulwant Singh Aged About 65 Years R/o Nagpur, Maharashtra.
5. Smt. Jatinder Kaur W/o Shri Paramjeet Singh Bedi Aged About 52 Years R/o Bharuch, Gujarat

---- Petitioner

Versus

1. State Of M.P. (Now C.G.) Through The Chief Secretary, Government Of Madhya Pradesh, Bhopal, (M.P.)
2. Board Of Revenue Madhya Pradesh, Gwalior
3. Additional Settlement Commissioner-Cum Competent Authority (Under The M.P. Ceiling On Agricultural Holdings Act,1960) Moti Mahal, Gwalior.
4. Smt. Vedvati Alias Subhraj Kumari Widow Of Late Maharaj Praveer Chand Bhanjdeo R/o Pearl Kote Purn, Jagdalpur, District Bastar, C.G.

---- Respondent

For Petitioners	:	Shri B. P. Sharma, Advocate
For Respondent/State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/12/2015**

Heard on application for condonation of delay in filing the application for restoration.

2. Upon due consideration, the application is allowed and delay is condoned.

3. This MCC is filed by the legal representatives of the deceased-petitioner (Trilochan Singh) praying for setting aside abatement of the writ petition and restoration of the writ petition.

4. Learned counsel for the petitioners submitted that during the pendency of the writ petition No.2154/1987, original writ petitioner-Trilochan Singh (predecessor of applicants herein) was died on 08-11-1999. Thereafter, when the case was listed for hearing before the Court on 22-02-2007, the writ petition was dismissed for want of prosecution as no representation was made. When the petitioner came to know about dismissal of the petition, they moved an application for restoration of the writ petition by filing MCC No.381/2012, but that application has been dismissed as withdrawn with liberty to apply for abatement.

5. in view of the judgment of the Supreme Court in the case of ***Puran Singh and Others vs. State of Punjab and others***¹, the provisions relating to proceedings of abatement are not applicable in writ proceedings. Therefore, considering the aforesaid aspect of the matter, the order of dismissal passed on 22-02-2007 is recalled and the writ petition is restored to its original number. Abatement, if any, is set aside and the order of dismissal for want of prosecution is recalled and the writ petition is restored to its original number.

6. Accordingly, the MCC stands disposed off.

Sd/-
Manindra Mohan Shrivastava
Judge

1 (1996) 2 SCC 205