

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 1006 of 2014

1. Phoolwati (Dead)
2. Raj Kumar S/o Lalu Ram, aged about 25 years
3. Vinod Kumar S/o Lalu Ram, Aged about 22 Years, R/o Ambadand, Tah. Bagicha, Distt. Raigarh, Now Distt. Jashpur C.G.

---- Petitioners

Versus

1. Khirowati W/o Trilochan, Aged about 40 Years R/o Ambadand, Tah. Bagicha, Distt. Raigarh, Now Distt. Jashpur, C.G.
2. Jamawati (Dead), R/o Ambadand, Tah. Bagicha, Distt. Raigarh, Now Distt. Jashpur C.G.
3. Saribai (Dead), R/o Ambadand, Tah. Bagicha, Distt. Raigarh, Now Distt. Jashpur C.G.
4. The State of M.P. (Now C.G.) Through- Collector, Raigarh, Distt. Raigarh Now Collector, Jashpur, C.G.

---- Respondents

For Applicants	:-	Shri A. K. Prasad, Advocate
For Respondent No.1	:-	Shri J. K. Saxena, Advocate
For Respondent No.4/State:		Smt. Smita Ghai, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13/07/2015

The present M.C.C. has been preferred seeking for restoration of S.A. No.430/2001 which was dismissed as having abated vide order dated 13.12.2013.

Counsel for the applicant submits that unfortunately even this M.C.C. has been filed with a delay of 304 days and therefore he has filed an application i.e. I.A. No.01 for condonation of delay in filing the M.C.C.

Heard on I.A. No.01 which is an application for condonation of delay.

Counsel for the applicant submits that in fact there was no requirement of substitution to be made on account of the death of respondents 2 & 3 as the sole legal heir of respondent No.2 is already on record as respondent No.1 and that respondent No.3 did not have any legal heir. He further submits that this fact was

not communicated to the counsel for the applicant at the time of death of the respondents 2 & 3.

For the reasons mentioned in the application, I.A. No.01 is allowed and delay of 304 days in filing the present M.C.C. is hereby condoned.

On due consideration, as sufficient cause has been satisfactorily explained by the counsel appearing for the applicant, the instant M.C.C. is allowed and the S.A. No. 430/2001 is restored to its original number.

Sd/-

(P. Sam Koshy)
JUDGE