NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 843 of 2015

Smt. Jamuna Bai (Dead) Through Lrs Kishanlal Agrawal S/o Late Kejulal Agrawal, Aged About 52 Years R/o Gunjpara, Raipur, Chhattisgarh

---- Applicant

Versus

Shri Radheshyam Agrawal S/o Late Kejulal Agrawal, Aged About 47 Years R/o Radheshyam Shri Kishan Lal Mill, Gunjpara, Raipur, Chhattisgarh

---- Respondent

For Applicant : Ms. Prachi Agrawal, Advocate
Respondent not noticed.

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI

ORDER

12/10/2015

1. Heard on I.A.No.1/2015, application for condonation of delay as the MCC is barred by 11 days.

2. On due consideration, I.A.No.1/2015 is allowed. Delay of 11 days in filing the MCC is condoned.

3. The MCC is admitted for consideration.

4. The MCC has been filed for restoration of First Appeal No.101/2005, dismissed for non-compliance of peremptory order dated 14/5/2015 for impleadment of the name of the applicant in place of name of the deceased appellant within 7 days. As the

substitution was not carried out within the stipulated period, the First Appeal stands dismissed. Against such dismissal, the applicant has filed the instant MCC for restoration of the First Appeal.

5. On due consideration of the reasons mentioned in the application, it is allowed. First Appeal No.101/2005 dismissed for non-compliance of peremptory order dated 14/5/2015 is restored to its original number subject to the applicant carry out the necessary amendment as directed in the matter within 15 days from today.

6. No order as to cost. **Sd/**

(Chandra Bhushan Bajpai)
JUDGE

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