

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 92 of 2015

S.P. Sharma S/o S.P. Sharma Aged About 52 Years Sub-Engineer, M.P. Slum Clearance Board, Regional Office, Raipur C.G., Presently Sub Engineer Working In Nagar Nigam, Jabapur M.P., R/o Karamchari Plot No. 27, Naya Besera, Gandhi Basti, Kotra Sultanabad, Bhopal M.P.

---- Applicant

Versus

1. The Chairman, M.P. Slum Clearance Board, M.P. Slum Clearance Board, Bhopal M.P.
2. The Commissioner M.P. Slum Clearance Board, Bhopal M.P.
3. O.P. Gupta Asst. Director (Project), Commissioner, M.P. Slum Clearance Board, Bhopal.

---- Respondents

For Applicant	:	Shri Rajesh Jain, Advocate
For Respondent/State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/11/2015

1. Heard on I.A.No.1, application for condonation of delay in filing restoration application (MCC).
2. Though delay is long, it has been satisfactorily explained on extraordinary grounds that upon re-organization of State of Madhya Pradesh, the petitioner's case was transferred to High Court of Chhattisgarh and this fact was neither informed to the petitioner by the counsel who was representing his case in the High Court of Madhya Pradesh nor the petitioner ever received any notice from any of the Institutions regarding transfer of his case. It has also been stated on affidavit that the petitioner was under an impression that his case was pending in

the High Court of Madhya Pradesh and as and when orders are passed, he would be informed by his counsel. It is only when the petitioner contacted the counsel at Jabalpur (MP) in the year 2014 to inquire about his case that he came to know that upon re-organization, his case has been transferred to Chhattisgarh High Court, whereas the petitioner was allocated in the services in the State of Madhya Pradesh only.

3. Taking into consideration the aforesaid extraordinary grounds taken by the petitioner and in the larger interest of justice that the petitioner had filed a petition in the year 1993 which was admitted and that he was entitled to the decision on merits of the case, application is allowed. Delay in filing restoration petition is condoned.
4. For the reasons condoning delay in filing restoration petition, prayer for restoration of Writ Petition No.309 of 1993 is also allowed. Order of dismissal dated 21st November, 2006 is recalled and the Writ Petition is restored to its original number.
5. MCC is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge