

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 820 of 2015**

1. Rameshwar Prasad (died),
- (1a) Rajesh Kumar Tiwari, aged about 49 years.
- (1b) Ashish Kumar Tiwari, aged about 41 years.

Both are son of Late Shri Rameshwar Prasad Tiwari, R/o Village Adbhar, District Janjgir-Champa.

- (1c) Smt. Anjana Pandey, w/o Shri Akhilesh Pandey, aged about 43 years, R/o 286, Samta Colony, Raipur.
- (1d) Smt. Archana Tiwari, W/o Shri Harekeshav Tiwari, aged about 39 years, R/o in front of Farishta Complex Station Road, Durg.
- (1e) Smt. Alpana Mishra, W/o Shri Arvind Mishra, aged about 37 years, R/o Near Old Bus Stand, Bemetara, District Durg.
- (1f) Smt. Kamla Tiwari, Wd/o. Late Rameshwar Prasad Tiwari, aged about 65 years, R/o Village Adbhar, District Janjgir-Champa.

---- Applicants**Versus**

1. State of Chhattisgarh, through Collector, Janjgir-Champa (CG)
2. Land Acquisition Officer, Hasdeo Bango Project, Sakti, District Janjgir-Champa (CG).

---- Non-applicants

For Applicants : Shri Anand Kumar Shukla, Advocate.
 For Non-applicant : Shri Om Prakash Sahu, Government
 Advocate for the State.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

09/10/2015

(1) Heard on the question of the application for condonation of delay in filing the MCC (I.A.No.01/2015).

(2) Issue notice.

- (3) Shri Om Prakash Sahu, Government Advocate accepts notice of behalf of the State.
- (4) Learned State counsel opposes the prayer.
- (5) On due consideration, I am satisfied that the applicants have succeeded in explaining the cause of delay in filing the MCC and, therefore, I.A.No.01/2015 is allowed. Delay in filing the MCC is condoned.
- (6) Also heard on restoration application filed by the applicants.
- (7) Also issue notice on the restoration application.
- (8) Shri Om Prakash Sahu, Government Advocate accepts notice on behalf of the State.
- (9) The applicants are seeking restoration of First Appeal No.08/2006 which was dismissed for want of prosecution vide order dated 31.10.2013.
- (10) On due consideration of the submissions of the learned counsel for the applicants and the grounds taken in the restoration application, I am satisfied that the absence of the applicants' counsel on 31.10.2013 when First Appeal No.08/2006 was taken-up for hearing was based on bonafide grounds.
- (11) Accordingly, M.C.C. No.820/2015 is allowed and First Appeal No.08/2006 is restored to its original number.

Sd/-
(Sanjay K. Agrawal)
Judge

