

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 95 of 2015

- Santosh Kumar Sahu S/o Vishram Prasad Sahu, Aged About 32 Years, R/o Birgahni Chowk Champa, Tahsil Janjgir Distt. Janjgir-Champa C.G.

---- Applicant

Versus

1. Rishiraj Upadhyaya S/o Late Gajadhar Prasad, Aged About 30 Years, R/o Janjgir, Distt Janjgir Champa C.G.
2. State of Chhattisgarh Through - Collector, Janjgir District - Janjgir Champa C.G.
3. Smt. Sandhya Agrawal, W/o Sajan Agrawal, Aged About 42 Years, R/o Village Subhash Chowk, Janjgir, District Janjgir Champa C.G.

---- Respondents

25/02/2016	Shri Vivek Tripathi, counsel for the applicant. Shri Vivek Singhal, counsel for the respondent No.1. Shri Anil S. Pandey, G.A. for the State. Shri Varunendra Mishra, counsel for the respondent No.3. Heard on application for restoration of the first appeal. The case was dismissed for want of prosecution on 28/08/2014 and the same application for restoration is delayed by 128 days. On due consideration, the delay of 128 days in filing the restoration application is condoned. Heard on application for restoration. Learned counsel for respondent No. 1 submits that the sale-deed which was earlier stayed by interim order has already been executed. Therefore, the stay order will automatically come to an end. Considering the submission made and after going through the reasons stated in the restoration application, M.C.C. is	

allowed.

Order dated 28/08/2014 is recalled.

First Appeal No. 18/2010 is restored to its original number. Further it is observed that in view of the submission made by learned counsel for respondent No. 1 since sale-deed has been executed on 02/05/2015 this fact shall be considered at the time of final adjudication and adjudication would be subject to such sale, which is stated to have been taken effect during the dismissal of this appeal.

Sd/-
(Goutam Bhaduri)
Judge

Kamde