

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 174 of 2016

Rafique Ahmad Qureshi, Aged About 55 Years, S/o Late Sheikh Vajeer (Wrongly Mentioned as Shekhi Vajeer in the impugned judgment and decree) R/o Chuchuhiyapara, Ganesh Ward No.39, Bilaspur, P.S. Tarbahar, District Bilaspur, Chhattisgarh through L.R. Wasim Ahmed Qureshi, son of late Shri Rafique Ahmed Qureshi, aged about 25 years, resident of Jeenat Vihar, Phase-II, FF 21 Ganesh Nagar, Bilaspur (C.G.)

---- Applicant

Versus

1. Iqbal Khan, S/o Ajit Khan, Aged About 58 Years, R/o Chuchuhiyapara, Ganesh Ward No. 39, Bilaspur, P.S. Tarbahar, District Bilaspur, Chhattisgarh
2. State of Chhattisgarh, Through The Collector, Bilaspur, Chhattisgarh

---- Respondents

For Applicant	:- Mr. Mirza Hafeez Baig, Advocate
For Respondent/ State	:- Mr. Anil S. Pandey, Govt. Advocate
For Respondent No.1	:- Mr. Ravindra Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/03/2016

Heard.

2. The applicant has filed the instant M.C.C. for restoration of Second Appeal No. 16/2014 which was dismissed for want of prosecution on 10.02.2016. Now the present M.C.C. has been filed by the LRs of Rafique Ahmad Qureshi as Rafique Ahmad Qureshi has died and the application was already filed under order 22 Rule 3 of C.P.C. in

the original second appeal however the said appeal was dismissed for want of prosecution.

3. Having perused the application for restoration of Second Appeal, I am of the opinion that sufficient cause has been explained by the counsel for the applicant for his non-appearance on 10.02.2016.

4. Accordingly, the instant M.C.C./ application is allowed, order dated 10.02.2016 dismissing the Second Appeal No. 16/2014 for want of prosecution is hereby recalled and the Second Appeal No. 16/2014 is restored to its original number.

5. No order as to costs.

6. A copy of this order be kept in the record of Second Appeal No. 16/2014.

Sd/-
(Goutam Bhaduri)
Judge