

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No.969 of 2015**

1. Joseph, son of Shri Sadhu, aged about 40 years (now dead) proposed appellants:
 - 1(a) Alavina Tigga, wife of late Joseph, aged about 75 years.
 - (b) Agastus Tigga, son of late Joseph, aged about 49 years.
 - (c) Phalyanus Tigga, son of Joseph, aged about 45 years.
 - (d) Nirmal Tigga, daughter of Joseph, aged about 38 years.
 - (e) Adharyas Tigga, son of Joseph, aged about 34 years.
 - (f) Matiyas, Tigga, son of Joseph, aged about 32 years.

All above are resident of Village Dipatoli, Post Office, P.S. and Tahsil Duldula, District Jashpurnagar (CG).

2. Edmon, son of Joseph, aged about 22 years.
3. Jerem, son of Joseph, aged about 20 years.
4. Phili, son of Joseph, aged about 18 years.

Appellants No.2 to 4 are resident of Village and Police Station Duldula, District Jashpurnagar (CG).

---- Applicants

Versus

1. Dhaneshwar Sao, son of Shri Deodhari, aged about 42 years, Cultivator, Baniya by Caste resident of Kunkuri, Tahsil-Kunkuri, District Raigarh (now District Jashpur) (now dead) through proposed respondents/legal heirs :
 - 1(a) Suresh Prasad, son of Dhaneshwar, aged about 40 years, Caste Baniya.
 - 1(b) Satyanarayan, son of Dhaneshwar, aged about 35 years, Caste Baniya.
 - 1(c) Shivnarayan, son of Dhaneshwar, aged about 30 years, Caste Baniya.
 - 1(d) Smt. Bhago Devi, wife of late Dhaneshwar Sao, aged about 65 years, Caste Baniya.

All are resident of Kunkuri, Opposite Police Line, District

Jashpur, at present R/o Near Thana Parisar, Holi Cross Hospital Line, Kunkuri, Thana & Tahsil Kunkuri, District Jashpur Nagar (CG).

Note: The respondent No.1d/Smt. Manju Devi (wife of respondent Dhaneshwar Sao) was wrongly mentioned by mistake in the earlier MCC No.361/2014, therefore in the instant MCC has been rectified/entered the correct name of wife of the deceased respondent. Further also mentioned newly addresses of the private respondents.

2. State of M.P. (Now C.G.) through the Collector, Raigarh (CG).

---- Non-applicants

For Applicants	:	Shri Bharat Rajput, Advocate
For Non-applicants	:	Shri Hemant Gupta & Ms. K. Tripti Rao, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/08/2016

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

(2) 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 is allowed. Delay in filing the MCC is condoned.

(3) Learned counsel for the applicants is heard on restoration application.

(4) The applicants are seeking restoration of Second Appeal No.197 of 1993 which was dismissed for want of prosecution vide order dated 09.12.2010.

(5) 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 09.12.2010 when Second Appeal No.197 of 1993 was taken-up for hearing was based on bonafide grounds.

(6) Accordingly, M.C. C. No.969/2015, therefore, is allowed and Second Appeal No.197 of 1993 is restored to its original number.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-