

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.C.C. No. 1063 of 2015**

1. Jagbandhu Patel (now died) through the legal representatives

1-A Suresh Kumar Patel, son of late Jagbandhu Patel, aged about 35 years,

1-B Smt. Meera Patel, widow of late Jagbandhu Patel, aged about 55 years,

Both R/o. Village Manikpur, Tahsil Sarangarh, District Raigarh (C.G.)

---- Applicants

**Versus**

1. Maniram Patel, S/o. Bhagirathi Patel, aged about 50 years, Resident of Village Bandhapali, Tahsil Sarangarh, District Raigarh (C.G.)
2. State of Chhattisgarh, Through: The Collector, Raigarh (C.G.)

---- Respondents

---

For Applicants : Mr. H.B. Agrawal, Senior Advocate with Mrs. Itu Rani Mukherjee, Advocate.

For Respondent No.1 : Mr. Roop Naik, Advocate.

For Respondent No. 2: Mr. Sameer Behar, Panel Lawyer.

---

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**20/07/2016**

(1) Heard on I.A. No.01, which is an application for condonation of delay in filing the M.C.C..

(2) On due consideration, I am satisfied that the applicants have succeeded in explaining the cause of delay in filing the M.C.C. and, therefore, the application is allowed. Delay in filing

the M.C.C. is condoned.

(3) Counsel for the applicants is heard on restoration petition.

(4) The applicants are seeking restoration of Second Appeal No. 360/2003 which was dismissed for want of prosecution vide order dated 25.04.2014.

(5) On due consideration of the submissions of the learned counsel for the applicants and the grounds taken in the restoration petition, I am satisfied that the absence of the applicants' counsel on 25.04.2014 when Second Appeal No.360/2003 was taken-up for hearing was based on *bona fide* grounds.

(6) M.C.C. No. 1063/2015, therefore, is allowed and Second Appeal No.360/2003 is restored to its original number subject to payment of cost of Rs.2,000/-, payable to counsel for respondent No.1.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-