

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 25 of 2016**

- H. D. Mukhopadhyaya S/o Late D. D. Mukhopadhyaya, Aged About 70 Years R/o Qr. No. 7-A, Street 14, Sector 10, Bhilai, District Durg (Chhattisgarh)..... (Petitioner)

---- Applicant**Versus**

1. Steel Authority Of India Limited Through The Managing Director, Bhilai Steel Plant, Bhilai, District Durg (Chhattisgarh)
2. Bhilai Steel Plant, Through Its Managing Director, Bhilai, District Durg (Chhattisgarh).....(Respondents)

---- Respondents

For Applicant	:	Shri MPS Bhatia, Advocate
For Respondents	:	Shri Shailendra Shukla, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board**By Prashant Kumar Mishra, J****30/09/2016**

1. In WP3828/2003, an order was passed on 12.01.2010 directing the petitioner to (1) incorporate the amendment within three weeks (2) file amended writ petition within one week and thereafter (3) file proper paper-book within three weeks.
2. On petitioner's failure to do the needful, the matter was listed in default on 06.04.2010 and the petitioner was directed to remove the default within 10 days, failing which the petition was directed to be dismissed without further reference to the Court. On this occasion, the petitioner filed the amended

writ petition, but failed to incorporate the amendment and file paper-book, therefore, the petition was treated to be dismissed, which occasioned filing of MCC No.284/2011. This MCC was allowed on 18.10.2013 and the writ petition No.3828/2003 was directed to be restored to its original number on the condition that the applicant would comply the peremptory order dated 06.04.2010 within four weeks. The petitioner thereafter filed the paper-book within time, however, he could not amend the writ petition, therefore, conditional order of restoration having not been satisfied, the writ petition was treated to be dismissed.

3. In this MCC, the petitioner has prayed for recalling of order dated 18.10.2013 passed in MCC No.284/2011 with further prayer to extend the time for amending the writ petition and restore the writ petition No.3828/2003 in the ends of justice.
4. Having heard learned counsel for the parties, we are satisfied that ends of justice would be served if the petitioner is allowed one opportunity to amend the writ petition, subject, however, on payment of cost of Rs.1000/- to the Chhattisgarh High Court Middle Income Group Legal Aid Committee within a period of three weeks as also to amend the writ petition in terms of the order passed in WP No.3828/2003 on 12.01.2010, within the same period of three weeks.
5. Accordingly, the MCC stands allowed in the above terms.

Sd/-

Judge
Prashant Kumar Mishra

Sd/-

Judge
Chandra Bhushan Bajpai