

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No.570 of 2016**

1. Samuel James, S/o late Shri Wallace James, aged about 68 years, R/o Village Ameri, Tahsil & District Bilaspur (CG).

Present address Near Mandir Chowk, Jarahabhatha, Police Station Civil Lines, Bilaspur, District Bilaspur (CG).
2. Subhash James, S/o late Shri Wallace James, aged about 64 years, R/o Village Ameri, Tahsil & District Bilaspur (CG).
3. Smt. Shobhna James, Wd/o late Shri S.D. James, Daughter-in-law of late Shri Wallace James, aged about 52 years, R/o Village Ameri, Tahsil & District Bilaspur (CG).

---- Applicants**Versus**

State of Chhattisgarh, through the Collector, Bilaspur (CG).

---- Non-applicant

For Applicants	:	Shri Rishi Rahul Soni, Advocate
For Non-applicant/State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/09/2016**

(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.448/2002 which was dismissed for want of prosecution vide order dated 23.06.2014.

(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 23.06.2014 when Second Appeal No.448/2002 was taken-up for hearing was based on bonafide grounds.

(6) Accordingly, M.C.C. No.570/2016 is allowed and Second Appeal No.448/2002 is restored to its original number subject to payment of cost of Rs.2,000/- payable to the High Court Legal Aid Committee.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-