

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.C.C. No. 54 of 2016

Banshidhar Bahidar (died) through LRs **Versus** Deepak Kumar Patnayak & Ors.

01.08.2016	Shri Utsav Mahiswar, counsel for the Applicants. Shri H. S. Patel, counsel for respondents 1 & 2. Smt. M. Asha, P.L. for the State/respondent no.5. Heard on I.A. No.01/16, application for condonation of delay in filing the MCC. Considering the reasons assigned in the said application and finding them to be satisfactory, I. A. No.01 is allowed and the delay of 751 days in filing the MCC is condoned. Also heard on I.A. No.02, application u/s 125 of C.G. High Court Rules. On due consideration, I.A. No.02 is allowed and the LRs of deceased appellant no.1 Banshidhar are permitted to prosecute the instant case. Also heard on merits. The present M.C.C. has been preferred seeking for restoration of Second Appeal No.710 of 2003 which was dismissed for want of prosecution on 20.11.2013. Taking into consideration the total facts and circumstances of the case and also finding the reasons assigned in the said application to be satisfactory, though there is some delay but the second appeal was an admitted appeal and the substantial question of law was also framed, the instant M.C.C. is allowed. Accordingly, the Second appeal No. 710 of 2003 which was dismissed for want of prosecution vide order dated 20.11.2013 is restored to its original number subject to the appellants pay an amount of Rs.3,000/- to the respondents 1 & 2.	
Bhol	Sd/- P. Sam Koshy Judge	

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