

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Civil Case No.280 of 2016**

- Kamla Devi Tandon W/o Bhagwat Prasad Tondon Aged About 40 Years Caste Suryavanshi (Scheduled Caste), Sarpanch, Village Panchayat Meu, R/o Village Meu, Post Meu, Tahsil Pamgarh, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

1. Nilam Tandon W/o Nathlal Tondon Aged About 25 Years Caste Suryavanshi, R/o Village Meu, Post Meu, Tahsil Pamgarh, Civil & Revenue District Janjgir Champa, Chhattisgarh.
2. Rajkumari Sarthi W/o Shri Radhelal Sarthi Caste Sarthi, R/o Village Meu, Post Meu, Tahsil Pamgarh, Civil & Revenue District Janjgir Champa, Chhattisgarh.
3. Shyambai Kurrey W/o Sahettar Kurre Caste Suryavanshi, R/o Village Meu, Post Meu, Tahsil Pamgarh, Civil & Revenue District Janjgir Champa, Chhattisgarh.
4. Sukrita Bai Tondon W/o Devkumar Tondon Caste Suryavanshi, R/o Village Meu, Post Meu, Tahsil Pamgarh, Civil & Revenue District Janjgir Champa, Chhattisgarh.
5. Sunita Shastri W/o Ramkumar Caste Suryavanshi, R/o Village Meu, Post Meu, Tahsil Pamgarh, Civil & Revenue District Janjgir Champa, Chhattisgarh.
6. Sweta Bhaskar W/o Surushottam Bhaskar Caste Suryavanshi, R/o Village Meu, Post Meu, Tahsil Pamgarh, Civil & Revenue District Janjgir Champa, Chhattisgarh.
7. K.K. Sahu Sub Engineer, Sahdeo Canal, Nariyara Tahsil Akaltara, Civil & Revenue District Janjgir Champa, Chhattisgarh.
8. Kailash Markam Lecturer, Govt. High School, Pakaria (Jhulan), Tahsil Akaltara, Civil & Revenue District Janjgir Champa, Chhattisgarh.
9. Piyush Sharma Lecturer, Govt. High School, Pakaria (Jhulan), Tahsil Akaltara, Civil & Revenue District Janjgir Champa, Chhattisgarh.
10. Palan Kumar Koshale Lecturer, Govt. High School, Pakaria (Jhulan), Tahsil Akaltara, Civil & Revenue District Janjgir Champa, Chhattisgarh.
11. Jeevan Lal Yadav Govt. Middle School, Tilai, Tahsil Akaltara, Civil & Revenue District Janjgir Champa, Chhattisgarh.
12. D.K. Yadav Rural Agriculture Extension Officers, Akaltara, Tahsil Akaltara, Civil & Revenue District Janjgir Champa, Chhattisgarh.
13. Yogesh Rathore Lecturer, Govt. Girls High School, Akaltara, Tahsil Akaltara, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Respondents

For Applicant	:	Shri Raj Kamal Singh, Advocate.
For respondent No.1	:	Shri SC Verma, Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

05.5.2016

Heard.

2. Issue notice to the respondents.
3. Shri Verma accepts notice on behalf of respondent No.1.
4. Heard on IA No.01/16, application for condonation of delay in filing the instant MCC as the same has been preferred after 37 days of its limitation.
5. Counsel for respondent No.1 prayed for opportunity to file written response/objection for IA No.01/16.
6. Learned counsel for the applicant submits that in WP(227) No.916 of 2015, respondents 2 to 13 were not noticed. Respondent No.1 was represented as he has filed caveat.
7. Vide order dated 04.11.2015, this Court has directed for issuance of notice to respondents 2 to 12. The petitioner failed to pay PF and also application for condonation of delay in filing the PF. Hence, the Registry has pointed out default and the Court vide order dated 17.12.2015 passed a peremptory order to remove the default within two weeks. The petition failed to remove the default within the stipulated time, hence, WP(227) No.916/2015 was dismissed. Looking to the entire facts and after perusal of the orders dated 04.11.2015 and 17.12.2015 in WP(227) No.916/15, it is held that issuance of notice to respondents 2 to 13 is not required.

8. Heard on IA No.01/16, application for condonation of delay in filing the application for restoration of WP(227) No.916 of 2015.

9. On due consideration, looking to the reasons mentioned in the IA No.01/16, the same is allowed. Delay of 37 days in filing the MCC is hereby condoned.

10. Also heard the matter finally.

11. On due consideration, the restoration petition is allowed and WP(227) No.916/15, which was dismissed vide peremptory order dated 17.12.2015 is hereby restored to its original number. The petitioner is directed to remove the default as pointed out by the Registry in the said writ petition within a week from today.

12. MCC is allowed. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE