

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 414 of 2016

1. Ram Chand S/o Khorbahra Ram Sahu, Aged About 53 Years (At Present 60 Years) R/o Village- Raveli, Tahsil- Berla, Police Station- Bemetara, Civil & Revenue District- Bemetara, Chhattisgarh
2. Shyam Bihari S/o Ram Chand, Aged About 25 Years (At Present 32 Years) Occupation- Agriculture, R/o Village- Raveli, Tahsil- Berla, Police Station- Bemetara, Civil & Revenue District- Bemetara, Chhattisgarh

---- Applicants

Versus

1. Shriram S/o Late Mohan Lal, Aged About 72 Years (At Present 79 Years), Occupation- Nothing, R/o Village- Raveli, Tahsil- Berla, District- Durg (Now Bemetara), Civil & Revenue District- Bemetara, Chhattisgarh(Plaintiff)
2. State Of Chhattisgarh, Through: Shriman Collector Mahadaya, Durg (Now Bemetara) Civil & Revenue District Bemetara, Chhattisgarh(Defendant)

---- Respondents

For Applicants : Mr. Sudhir Verma, Advocate
For Respondent No.1 : Mr. Atul Kesharwani, Advocate
For State/ Respondent-2: Mr. R.K. Gupta, Dy. Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/08/2016

Heard on prayer for restoration.

1. In the application for restoration, it has been submitted that the counsel could not appear due to illness at the time when the case was listed for hearing. He submits that non-appearance was *bonafide* action to pursue the appeal.
2. Though, learned counsel for respondent No.1 opposes the application by submitting that sufficient cause has not been made out, having considered the submission of the petitioner, it is found to be accepted the submission and allowed the application for restoration.

3. Accordingly, the application (MCC) is allowed. Order dated 03.05.2016, dismissing the First Appeal No. 76 of 2016, is recalled and the appeal is restored to its original number.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Chandra