

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 456 of 2016**

Dhamtaria @ Laxman Sinha (Since deceased) through
LRs:

1. Sumer Sinha, son of late Dhamtaria @ Laxman Sinha, aged about 47 years.
2. Muner Sinha, son of Late Dhamtaria @ Laxman Sinha, aged about 44 years.
3. Paduram Singh, son of Late Dhamtaria @ Laxman Sinha, aged about 44 years.
4. Bholaram Sinha, son of Late Dhamtaria @ Laxman Sinha, aged about 37 years.
5. Shyamlal Sinha, son of Late Dhamtaria @ Laxman Sinha, aged about 34 years.
6. Hemlal Sinha, son of Late Dhamtaria @ Laxman Sinha, aged about 31 years.
7. Rajkumar Sinha, son of Late Dhamtaria @ Laxman Sinha, aged about 28 years.
8. Shivkumar Sinha, son of Late Dhamtaria @ Laxman Sinha, aged about 25 years, All residents of Village Whhora, Tahsil Mainpur, District Gariaband (C.G.)

---- Applicants

Versus

1. State Of Chhattisgarh Through the Principal Secretary, Land Revenue, Mantralay, D.K.S. Bhawan, Raipur (C.G.)
 2. Commissioner, Raipur Division, Raipur (C.G.)
 3. Collector, Raipur (C.G.)
- 4(A) Amir, aged about 50 years, son of Late Mukund, resident of Village Adipathar, R.I. Circle Mainpur, P.S. Devbhog, District Gariyabandh (C.G.)
- 4(B) Konda, aged about 40 years, son of Late Mukund, resident of Village Adipathar, R.I. Circle Mainpur, P.S. Devbhog, District Gariyabandh (C.G.)
- 4(C) Jaiman, aged about 30 years, son of Late Mukund, resident of Village Adipathar, R.I. Circle Mainpur, P.S. Devbhog, District Gariyabandh (C.G.)

4(D) Kushal, aged about 25 years, son of late Mukund, resident of Village Adipathar, R.I. Circle Mainpur, P.S. Devbhog, District Gariyabandh (C.G.)

4(E) Dhanu, aged about 20 years, son of Late Mukund, resident of Village Adipathar, R.I. Circle Mainpur, P.S. Devbhog, District Gariyabandh (C.G.)

[No. 4A to E are legal heirs of deceased respondent No. 4-Mukund].

---- Respondent

For Applicants: Ms. Supriya Upasane, Advocate.
For Respondents/State: Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/09/2016

(1) Heard on I.A. No.1/2016, which is an application for condonation of delay in filing the M.C.C..

(2) On due consideration, I am satisfied that the applicants have succeeded in explaining the cause of delay in filing the M.C.C. and, therefore, the application { I.A. No.1/2016} is allowed. Delay in filing the M.C.C. is condoned.

(3) Counsel for the applicants are also heard on restoration petition.

(4) The applicants are seeking restoration of Writ Petition No. 827/2002 which was dismissed for want of prosecution vide order dated 05.02.2015.

(5) On due consideration of the submissions of the learned counsel for the applicants and the grounds taken in the restoration petition, I am satisfied that the absence of the applicants' counsel on 05.02.2015 when Writ Petition No.827/2002 was taken-up for hearing was based

on *bona fide* grounds.

(6) M.C.C. No. 456/2016, therefore, is allowed and Writ Petition No. 827/2002 is restored to its original number subject to payment of cost of Rs.3,000/- payable to the High Court Legal Aid Committee.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-