

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCC No. 827 of 2017**

1. Bhuri Bai Wd/o. Ghasi Ram, aged about 55 years,
2. Sudarshan, S/o. Ghansi Ram, aged about 32 years,
3. Onkar Singh, S/o. Ghansi Ram, aged about 28 years,
4. Dev Singh, S/o. Ghansi Ram, aged about 26 years,
5. Shailendrai Bai, D/o. Ghansi Ram, aged about 15 years, through her guardian mother Bhuri Bai,
- \* Mst. Jalkunwar alias Puren hin widow of late Thetha Ram, Mowar since died (she died during the pendency of the second appeal and her legal heirs are already on record as Respondent No.1 to 5 and therefore she has not been impleaded),
- \* Gavendra S/o. Ghasi Ram, aged about 30 years since died,
6. Sukanti, Wd/o. Late Gavendra, aged about 37 years,
7. Sagar alias Ranu, S/o. Late Gavendra, aged about 20 years,

All the above appellants are R/o. Village Bhedikona, Tehsil Dabhara, District Bilaspur (C.G.) (now District Janjgir-Champa)

**---- Applicants/appellants**

**Versus**

- \* Amrit Lal, since died, through his L.R.'s
- \* Mst. Ram Kumari, since died (she died during the pendency of the second appeal and her legal heirs are already on record as Respondent No.2 and therefore she has not been impleaded)
1. Suresh Kumar, S/o. Late Amrit Lal Agharia, aged about 30 years,
2. Poonam Chand alias Pooram Chand, aged about 20 years,

All the above respondents from 1 to 3 are R/o. Village Bhedikona, Tehsil Dabhara, District Bilaspur (C.G.)(now District Janjgir-Champa)

- \* Ghasneen, since died. (she died during the pendency of the second appeal and she has no legal heirs and therefore she has not been impleaded)

**---- Respondents/defendants**

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For Applicants – Shri Prasoon Agrawal, Advocate.

For Respondents – Shri Malay Shrivastava, Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**15-12-2017**

1. Heard on I.A.No.1/2017, application for condonation of delay in

filing the application for restoration of second appeal.

2. Learned counsel for the respondents objects to the grounds in the application for restoration of the second MCC filed for restoration of the second appeal by the appellants and prays that some cost may be imposed.

3. Accordingly, the application is allowed and a cost of Rs.500/- is imposed upon the appellants which shall be deposited in the High Court Legal Services Authority.

4. Heard on the MCC.

5. Considering the submissions made by learned counsel for the appellants and the respondents and considering the grounds mentioned in the application, the MCC, application for restoration of second appeal, is allowed and the Second Appeal No.716/1997 is restored to its original number.

6. Heard on I.A.No.2, application under Section 151 of the Cr.P.C. seeking permission to file application on behalf of the legal heirs of late Gavendra.

7. Learned counsel for the respondents opposes the application.

8. Considering the grounds mentioned in the application, the same is allowed. The L.Rs. of late Gavendra are permitted to file the application before this Court under the provision of law.

9. This petition stands disposed off.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**