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HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 674 of 2017

- Vijay Sood S/o P. K. Sood, aged About 54 Years, R/o Sarju Bagicha, Masanaggri, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. Chandranta Singh Rajput Wd/o Pandu Singh Rajput, Aged About 42 Years
2. Rishabh Singh Rajput S/o Pandu Singh Rajput, Aged About 17 Years, minor Represented Through Natural Guardian Mother Chandrakanta Singh Rajput Wd/o Pandu Singh Rajput

Both are R/o Village- Parsabhatha, Balco (College Road), Balco Nagar, Korba, Tahsil & District Korba, Chhattisgarh

3. Ashok Kumar S/o Bhola Ram, Aged About 27 Years R/o Village- Belgarinala, Ward No.27, Balco Nagar, Korba, Tahsil & District Korba, Chhattisgarh
4. Smt. Jamuna Bai W/o Laxman Singh, Aged About 68 Years, R/o Village- Parsabhatha, Balco (College Road), Balco Nagar, Korba, Tahsil & District Korba, Chhattisgarh

---- Respondents

For Petitioner

Shri Anup Majumdar, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

15/09/2017

1. This is an application for restoration of MCC No.103/2017.
2. Petitioner's WP227 No.705/2016 was dismissed on account of petitioner's failure to comply with the peremptory order to remove the default. His MCC No.103/2017 was allowed subject to

payment of cost of Rs.1,000/- with condition that if the cost is not paid within one week, the order shall lose its efficacy. The petitioner thereafter moved MCC No.175/2017 for extension of time to deposit the cost, which was dismissed on 02.03.2017. The petitioner thereafter preferred fresh WP227 No.337/2017, which was withdrawn with liberty to file appropriate application for restoration of MCC No.103/2017.

3. After hearing learned counsel for the petitioner, this Court is afraid, no such application for restoration of MCC No.103/2017 would be maintainable in view of the subsequent order in MCC No.175/2017 refusing to extend time to deposit the cost of Rs.1,000/-, which was directed to be paid in MCC No.103/2017 with condition that if the cost is not paid within one week, the order shall lose its efficacy.
4. Once having rejected the prayer for extension of time, the present restoration application is barred by *res judicata* and this Court is not entitled to pass a contrary order than what was passed in MCC No.175/2017.
5. No case for entertaining this MCC is made out. Accordingly, the MCC is dismissed.

Sd/-

Judge

Prashant Kumar Mishra