

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCC No. 401 of 2017

1. Managing Director, Indian Farmers Fertilizer Co-Operative Ltd. 53-54, Nehru Place, New Delhi.
2. Chief Marketing Manager, Indian Farmers Fertilizer Co-Operative Ltd., 53-54, Nehru Place, New Delhi.

---Applicants

Versus

1. The Presiding Officer Labour Court Durg, Chhattisgarh.
2. Shri Deen Bandhu Gond C/o Hari Bandhu Nayak, New Shanti Nagar, Near Rameshwar Mandir, Raipur, Chhattisgarh

----Respondents

10/08/2017	Shri Ashish Shrivastava, Advocate for the applicants. Shri Dharendra Mishra, Advocate for the respondent No.2. The present MCC has been preferred seeking for restoration of WP No.3272 of 1999 which got dismissed for want of prosecution on 12.02.2015. Counsel for the applicants submits that earlier counsel engaged in the case could not appear before the court when the matter was called on 12.02.2015 as his name was published along with other batch of lawyers prosecuting the cases of the petitioner who stationed at Jabalpur and therefore, error occurred. Taking into consideration, what is worthwhile to note is that the present writ petition earlier also got dismissed for want of prosecution on 15.03.2013 and it was restored on 21.07.2014 subject to payment of cost of Rs.30,000/-to the respondent No.2. In spite of there being dismissal earlier which got restored to its original number, the petitioners seem to have not taken due care for prosecuting the case. However, in the interest of justice it would be appropriate if the MCC is allowed and writ petition is restored and decided on merits. Accordingly, MCC is allowed subject to petitioner's paying an amount of Rs.20,000/- to the respondent No.2 within a period of two weeks from today. In

the event of petitioner's showing receipt of payment of cost to the respondent No.2, the Registry shall restore WP No. 3272 of 1999 to its original number.

Considering the fact that petition is of the year, 1999, it would be appropriate if some date is given for the matter to be taken up for hearing on merits.

Subject to payment of cost and the original petition getting restored immediately on the petitioner's complying with the orders within 15 days, the Registry should ensure the matter is listed for final hearing/final disposal in the week commencing 11th September, 2017.

Sd/-
(P. Sam Koshy)
Judge