

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 19 of 2017**

Steel Authority of India Limited, Through Managing Director, Bhilai
Steel Plant, Bhilai, Distt. Durg (C.G.)

---- Petitioner**Versus**

1. (a) Smt. Nisha Gajbhiye, W/o Late Shri Sunil Kumar Gajbhiye, Aged
about 37 Years,

(b) Ku. Diksha Gajbhiye, D/o Late Shri Sunil Kumar Gajbhiye, Aged
about 16 years, through natural guardian Smt. Nisha Gajbhiya
(Respondent No. 1a)

(c) Smt. Shanti Bai, Mother of Late Shri Sunil Kumar Gajbhiye, Aged
about 64 years,

All Resident of Station Para, Ward No.10, Rajnandgaon, Distt.
Rajnandgaon (C.G.)

2. Industrial Court, Chhattisgarh At Raipur

3. The Presiding Officer, Labour Court, Durg (C.G.)

---- Respondents

For Petitioner : Shri Kashif Shakeel, Advocate
For Respondents No.1(a) to 1(c) : Shri Alok Nigam, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board By****23/01/2017**

(1) Heard on I.A. No.1/2017, which is an application for condonation
of delay in filing the M.C.C..

(2) On due consideration, I am satisfied that the petitioner has succeeded
in explaining the cause of delay in filing the M.C.C. and, therefore, the
application {I.A. No.1/2017} is allowed. Delay in filing the M.C.C. is
condoned.

(3) Counsel for the petitioner is also heard on restoration petition.

(4) The petitioner is seeking restoration of Writ Petition No.872 of 2004 which was dismissed for want of prosecution vide order dated 02.11.2016.

(5) On due consideration of the submissions of the learned counsel for the petitioner and the grounds taken in the restoration petition, I am satisfied that the absence of the petitioner's counsel on 02.11.2016 when W.P. No. 872 of 2004 was taken-up for hearing was based on *bona fide* grounds.

(6) M.C.C. No. 19/2017, therefore, is allowed and W.P. No.872/2004 is restored to its original number subject to payment of cost of Rs.5,000/- payable to respondents No. 1(a) to 1(c) within a period of 15 days from today.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-