

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 945 of 2016**

- Gaiind Ram S/o Siyaram Sen, Aged About 52 Years Cultivator And R/o Village- Mudpar, Tahsil Baloda Bazar Now- Pallari, District- Baloda Bazar- Bhatapara, Chhattisgarh,

----Appellant**Versus**

1. Jhadu Ram S/o Siyaram Sen, Aged About 56 Years Cultivator And R/o Village- Mudpar, Tahsil Baloda Bazar Now- Pallari, District Baloda Bazar- Bhatapara, Chhattisgarh
2. State of Chhattisgarh, Through- Collector, Raipur, District- Raipur, Chhattisgarh

---- Respondents

For Appellant	:	Shri Hemant Gupta, Advocate
For Respondent No.1	:	Shri Bharat Rajput, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/03/2018**

1. The petition is for restoration of S.A. No.714/2003. During pendency of restoration petition few of respondents died as such the application under Order 22 Rule 4 CPC has been preferred. By such application the legal heirs of Jhaduram (the respondent) has been proposed as 1-A as Ramkhilawan, 1-B as Kumbhkaran and 1-C as Tirath Ram. Further during the pendency of this MCC Tirath Ram, who was proposed as 1-C has also died, therefore, his legal heirs were further proposed as 1-C (i) Kachra Bai, 1-C (ii) Rani Bai Sen, 1-C (iii) Manju Bai Sen, 1-C (iv) Suresh Sen, 1-C (v) Mukesh Sen, 1-C (vi) Uma Bai Sen & 1-C (vii) Bhuri Bai Sen @ Radha.

2. The legal representatives are allowed to be brought on record for the purpose of instant MCC. Necessary amendment be carried out within a week.
3. This is an application for restoration of S.A. No.714/2003 which was dismissed for want of prosecution vide Court order dated 13.04.2016.
4. On due consideration and for the reasons mentioned in the restoration application, it is allowed and the order dated 13.04.2016 is recalled and S.A. No.714/2003 is directed to be restored to its original number.
5. It is further made clear that the legal heirs who have been made herein shall not have any effect of setting aside the abatement of second appeal as this Court has only exclusively dealt with MCC. The appellant shall be at liberty to move the necessary application, for bringing the legal heirs in second appeal and set aside the abatement, if so advised.
6. With such observation, the MCC stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu