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HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 310 of 2018**

1. Chandra Kishore Tiwari, aged about 48 years,
2. Arvind Tiwari, aged about 44 years.
3. Atul Tiwari, aged about 36 years.

No. 2 to 3 are legal heirs of Late Rewaram Sharma, resident of Vasundhara Builders, Ghadi Chowk, Behind Collector's office, House of Shri Kalika Singh, Ambikapur, District Surguja (C.G.)

4. Alok Tiwari, son of Late Rewaram Sharma, aged about 42 years, resident of 10, Udyan Marg, Choubey Colony, Near Shahkari Sadan, Raipur (C.G.)
5. Smt. Kiran, daughter of Late Revaram Sharma, wife of Shri Bhupendra Shukla, aged about 50 years, resident of Infront of Police Line, Shailendra Nagar, Government Accommodation, Raipur.
6. Smt. Alka, daughter of Late Revaram Sharma, wife of Shri Sharad Sharma, aged about 42 years, resident of Near Kankali Talab, Kankali Para, Raipur, District Raipur (C.G.)

----Applicants**Versus**

1. Pradeep Kumar Sharma, S/o Late Mukutmani Sharma, aged about 44 years.
2. Prabodh Kumar Sharma, S/o Late Mukutmani Sharma, aged about 42 years.
3. Sanjay Kumar Sharma, S/o Late Mukutmani Sharma, aged about 38 years.

All are residents of Near Maharashtra Mandal, Choubey Colony, Raipur.

4. Krishna Kumar, S/o Late Mukutmani Sharma, aged about 53 years, R/o Behind Vasundhar Society, Changorbhata, Raipur.
5. Satish Kumar Sharma (Sport Officer), S/o Late Mukutmani Sharma, aged about 48 years, R/o Hardi Bazar, Banwasi College, Tahsil Katghora, District Korba (C.G.)
6. The Board of Revenue Chhattisgarh, Bilaspur, Circuit Court at Raipur (C.G.)

7. The Upper Collector, Raipur.
8. The Sub Divisional Officer, Raipur.
9. The Tehsildar, Raipur

---- Respondents

For Petitioner	: Mr. B.P. Sharma & Mr. Hari Agrawal, Advocate.
For Respondents No. 1 to 3 & 5	: Mr. H.B. Agrawal, Senior Advocate with Mrs. Prabha Sharma, Advocate.
For Respondents No. 7, 8 & 9	: Mr. Dilman Rati Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/06/2018

- (1) Heard on restoration application.
- (2) Counsel for the petitioner submits that the writ petition (227) No. 5751 of 2008 may be restored subject to cost.
- (3) The petitioner is seeking restoration of Writ Petition (227) No. 5751 of 2008 which was dismissed for want of prosecution vide order dated 21.08.2017.
- (4) On due consideration of the submission 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 21.08.2017 when Writ Petition (227) No. 5751 of 2008 was taken-up for hearing was based on *bona fide* grounds.
- (5) M.C.C. No. 310/2018, therefore, is allowed and Writ Petition (227) No. 5751 of 2008 is restored to its original number subject to payment of cost of Rs.3,000/- to the private respondents.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

