

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCC No. 983 of 2018**

Jitendra Mishra S/o Shri Ramlakhan Mishra, Aged About 43 Years Posted As Lamps Manager, Adim Jati Sewa Sahkari Samiti Maryadit, Patna, Block And Tahsil Baikunthpur, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Cooperative Department Of Secretariate, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Collector, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
3. The Collector District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
4. The Chief Executive Officer, District Cooperative Central Bank Limited, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
5. The President, Adim Jati Seva Sahkari Samiti Maryadit, Patna, R.N.O. 540, Block Baikunthpur, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh
6. The Assistant Registrar, Co-Operative Societies (Baikunthpur) District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- **Respondents**

For petitioner : Mr. A. K. Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/12/2018

1. The present MCC has been filed, seeking restoration of the WPS No. 4916/2018 which got dismissed on account of peremptory order passed by this Court on 10/08/2018.
2. Counsel for the petitioner submits that default on part of the petitioner is the non submission of process fee by registered mode whereas the petitioner had promptly paid the process fee as per rules that is by ordinary mode. This lapse is because of clerical level on the part of the petitioner.
3. Given the facts and circumstances of the case particularly taking note of the fact that petitioner had infact paid process fee by ordinary mode, this Court is

of the opinion justified ground for restoration has been made out. Accordingly, the MCC is allowed and WPS No. 4916/2018 restored to its original number along with interim order in it. It is made clear that the petitioner shall cure the default so far as the non payment of process fee by registered mode is concerned within a period of seven days from today.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit