

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 237 of 2019

1. Ankur Dwivedi S/o Shri Prakash Narayan Dwivedi, Aged about 19 years.
2. Rishiv Dev Dwivedi, S/o Shri Rajnarayan Dwivedi, Aged about 17years, Minor through his natural guardian father namely Raj Narayan Dwivedi, S/o Ramanugrh Dwivedi.

Both R/o Bouripara, Ambikapur, Post Office and Police Station Ambikapur, Tahsil & District Surguja, Chhattisgarh.

3. Manua Devi, Widow of Late Shrikumar Dwivedi, Aged about 70 years, Present resident at Bouripara, Ambikapur, Post Office and Police Station Ambikapur, Tahsil & District Surguja, Chhattisgarh.

---Applicants

Versus

Anil Kumari S/o Late Ramautar Sao, Aged about 21 years, R/o Bouripara, Police Station & Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. V.K. Pandey, Advocate
For Respondent	:	Mr. Neeraj Choubey, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/09/2019

1. Counsel for the applicants is heard on restoration petition.
2. The applicants are seeking restoration of Second Appeal No. 180 of 2002 which was dismissed for want of prosecution vide order dated 28.01.2019.
3. On due consideration of the submissions made by learned counsel for the applicants and the grounds taken in the restoration petition, I am satisfied that the absence of appellants' counsel on 28/01/2019 when Second Appeal No. 180 of 2002 was taken-up for hearing was based on *bona fide* grounds.

4. Accordingly, this M.C.C. is allowed and Second Appeal No. 180 of 2002 is restored to its original number without any interim order. However, the appellants are at liberty to file a fresh application for issuance of interim order, if any.

**Sd/-
(Sanjay K. Agrawal)
Judge**

Harneet