

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 221 of 2019**

- Bhola Ram Yadav (Dead), Smt. Sona Devi Yadav Wd/o Late Shri Bhola Ram Yadav, Aged About 73 Years R/o Village Kaitholi, Post Chowra, District Balia (U.P.) At Present Residing At Lila Apartment, Quarter No. 2, Durga Chauk, Rajnandgaon Chhattisgarh.,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary Home Department, Mahanadi Bhavan Raipur Chhattisgarh.,
2. Director General Of Police, Chhattisgarh, Police Headquarter, Raipur Chhattisgarh.,
3. Inspector General Of Police, Balaghat Range, Balaghat, District : Balaghat, Madhya Pradesh
4. Superintendent Of Police, District Rajnandgaon Chhattisgarh.,

---- Respondents

For Petitioner	:Shri Shashi Bhushan Tiwari, Advocate.
For Respondents 1, 2 & 4/State	:Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****10.04.2019**

1. Heard on I.A.No. 01/2019, an application for substitution of Smt. Sona Devi Yadav in place of her deceased husband, the original petitioner, as the same has inadvertently not filed earlier along with this petition.
2. On due consideration, the application is allowed and Smt. Sona Devi Yadav, widow of Bhola Ram Yadav, the original petitioner of the writ petition, is permitted to be substituted in his place. I.A.No.01/2019 accordingly stands disposed of.
3. Also heard on M.C.C. This petition has been filed for restoration of W.P. (S) No.4222 of 2005, which was dismissed for non-compliance of the order

dated 29.02.2012.

4. It is submitted by Shri Tiwari, counsel for the petitioner that vide order dated 29.02.2012, this Court has been pleased to direct the petitioner to file the paper book within 4 weeks' time and if the paper book is not filed within the stipulated time, the petition shall be dismissed without further reference to the Bench and in view of the said direction, the petition was treated as dismissed on 19.04.2012. According to Shri Tiwari, the original petitioner, namely, Bhola Ram Yadav has expired on 24.10.2010 and the said peremptory order was passed on 29.02.2012, i.e., after demise of the original petitioner. It is submitted further by him that an application for substitution of petitioner's widow, namely, Smt. Sona Devi was filed on 09.04.2012 and thereafter, an application for extension of time was also made on 18.04.2012 so as to comply with the direction issued by this Court on 29.02.2012.

5. Considering the aforesaid facts and circumstances of the case and considering further that the original petitioner Bhola Ram Yadav has expired even prior to the said date, i.e., 29.02.2012 and also considering the fact that appropriate applications for substitution and for extension of time were already made even before dismissal of the writ petition, I am inclined to allow this petition.

6. Accordingly, M.C.C. for restoration of the writ petition is allowed and W.P. (S) No. 4222/2005 dismissed on 19.04.2012 for non-compliance of the order dated 29.02.2012 is hereby restored to its original number. No order as to costs.

Sd/-

(Sanjay Agrawal)
Judge