

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 763 of 2019

Mohan Marketing Through Proprietor - Ghanshyam Agrawal, S/o Late Shri Mohan Agrawal, Aged About 42 Years, R/o Daldal Shivni Road Mova, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

Shankar Lal Wadhwani S/o Mohan Lal Wadhwani, R/o Maruti Electricals, Link Road, Camp - 2, Bhilai Nagar, Tahsil And District Durg Chhattisgarh.

---Respondent

For Applicant	:	Mr. Sachin Nidhi, Advocate
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Hon'ble Shri Justice P. Sam Koshy
Order on Board

17/07/2019

1. The present CRMP has been filed seeking the restoration of CRMP No. 989/2016, which got dismissed by virtue of a peremptory order passed by this Court on 09.09.2016.
2. In between the applicant had filed another CRMP for the same relief i.e. CRMP No. 1709/2017. This Court had allowed the said CRMP subject to deposit of cost of Rs.2500/- to be paid within a stipulated period failing which the order passed in CRMP would loose its effect.
3. It appears that the applicant has till date not complied with the said order and the order dated 30.11.2017 has lost its efficacy. Now after a period of about 1½ years the present CRMP has been filed again seeking for the restoration of CRMP No. 989/2016. Except for the contention of the lapses on the part of the clerk of the counsel for the applicant, no plausible explanation has been given as to why the order dated 30.11.2017 could not be complied with within the reasonable period as prescribed by this Court.

4. Considering the total facts and circumstances of the case and also taking note of the casual manner, in which the applicant has been pursuing his case, this Court is of the opinion that the present CRMP deserves to be allowed subject to imposition of a further cost of Rs.5000/- which the petitioner should deposit before the High Court Legal Services Committee, Bilaspur within a period of 7 days from today along with depositing of the previous Rs.2500/- cost that was imposed on 30.11.2017. Subject to the petitioner's furnishing the receipt of the payment of Rs.7500/- before the High Court Legal Services Committee, Bilaspur the CRMP No. 989/2016 would restore to its original number.
5. Unless the aforesaid amount of Rs.7500/- is deposited within a period of 7 days, the order passed by this Court today in the present CRMP would loose its efficacy.
6. The CRMP accordingly stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved