

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCC No. 328 of 2019

1. Nilesh Kumar Tamrakar S/o Late Shri Pramod Kumar Tamrakar Aged About 31 Years R/o Sanichari Bazar, Beside Rajendra Kumar Kailash Chand Hardware Shop, Durg Tahsil And District - Durg Chhattisgarh.
2. Rounak Tamrakar S/o Late Shri Pramod Kumar Tamrakar Aged About 30 Years R/o Sanichari Bazar, Beside Rajendra Kumar Kailash Chand Hardware Shop, Durg Tahsil And District - Durg Chhattisgarh.
3. Smt. Lalita Bai Tamrakar Wd/o Late Shri Pramod Kumar Tamrakar Aged About 56 Years R/o Sanichari Bazar, Beside Rajendra Kumar Kailash Chand Hardware Shop, Durg Tahsil And District - Durg Chhattisgarh.

---- Petitioners

Versus

- Lakahnal Gupta S/o Shri Vanshlal Gupta Aged About 47 Years R/o Sanichari Bazar, Apapura, Durg, Tahsil And District Durg Chhattisgarh.

---- Respondent

For Applicant :- Shri Ashish Surana, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Smt Vimla Singh Kapoor, J.

Judgment on Board

By

Prashant Kumar Mishra, Ag. CJ

12/04/2019

1. Learned counsel for the applicant would submit that FA

No.526/2018 was preferred without paying Court fee. The appellant sought time to deposit Court fee which was informed to him but the counsel did not receive any instructions in that regard, therefore, he pleaded no instruction at the time when the matter was called on for hearing on 16.11.2018.

2. Referring to the document Annexure A-2 which is a cheque in the name of Stock Holding Corporation of India Limited – E-Court fee for payment of the requisite Court fee in FA No.526/2018, it is argued that the applicant is now possessed of sufficient funds for payment of Court fee, therefore, if the appeal is restored to its original number, the applicant shall pay Court fee and contest the appeal on merits.
3. Considering the submission made the delay of 80 days in filing the restoration application is condoned and the restoration application is allowed.
4. Accordingly, FA No.526/2018 is restored to its original number.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Vimla Singh Kapoor)
Judge