

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 291 of 2019**

1. Roshan Kumar Patnaik S/o Shri Krishna Chandra Patnaik Aged About 44 Years Assistant Teacher Primary School, Karwahi, District Raigarh, (M.P.) (Now Chhattisgarh) (Since Dead) Through Lrs Sumit Patnaik S/o Roshan Patnaik Aged About 25 Years R/o Bazar Road, Tamnar, Police Station Tamnar, District Raigarh Chhattisgarh.
2. Akash Kumar Patnaik S/o Mahendra Nath Patnaik, Assistant Teacher, Primary School, Jhingol, District Raigarh (M.P.) (Now Chhattisgarh)

---- Applicants**Versus**

1. State Of Madhya Pradesh Through The Secretary, School, Education Department, Madhya Pradesh Bhopal, Now Raipur Chhattisgarh.
2. Director Of Public Instructions M.P. Bhopal Now Raipur, Chhattisgarh.
3. Deputy Director Education District Raigarh (M.P.) (Now Chhattisgarh).

---- Non-Applicants

For Applicants:	Dr. N. K. Shukla, learned senior counsel along with Shri Roshan Dubey, Advocate.
For State/Non-Applicants:	Shri Vimlesh Bajpai, Govt. Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****05.04.2019**

1. Heard on an interim application filed on 31.03.2019, whereby it has been prayed for substitution of one Shri Sumit Patnaik as legal representative of deceased Roshan Kumar Patnaik, who expired in the year 2016 before filing this petition and after the dismissal of the petition on 04.10.2013. Dr. N. K. Shukla, learned senior counsel for the Applicants submits that this application may kindly be considered under the inherent jurisdiction in order to provide the substantial justice.
2. On due consideration, I am inclined to allow the same and the said legal

representative of deceased Roshan Kumar Patnaik is permitted to be substituted in his place.

2. Also heard on admission.

3. This petition has been filed for restoration of W.P.(S) No.1213/2005, which was dismissed in default by this Court vide order dated 04.10.2013.

4. On due consideration of the reasons mentioned therein and also considering further the additional grounds made in support of this petition, supported by an affidavit, I am inclined to allow the same.

5. Accordingly, the instant M.C.C is allowed and W.P.(S) No.1213/2005 is restored to its original number. No order as to costs.

Sd/-
(Sanjay Agrawal)
JUDGE