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HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No.495 of 2019**

Mahaveer Mishra, S/o Late Shri Jagdamba Prasad Mishra, Aged About 38 Years, (Now Aged About 46 Years), By Caste Bramhan, R/o Village Budbuda, Tahsil Warasivni, District Balaghat, Madhya Pradesh.

---- Applicant

Versus

1. Smt. Anju Mishra, D/o Jamuna Prasad Tiwari, Aged About 29 Years, By Caste Brahman, R/o Forest Colony, Near New Bus Stand Dongargarh, District Rajnandgaon, Chhattisgarh. At Present Kashmiri Para, Near Tank (Talab), Dongargarh, District Rajnandgaon, Chhattisgarh.
2. Minor Utkarsh @ Charu, S/o Shri Mahaveer Mishra, Aged About 4 Years, Respondent No.1 Being Minor Through Respondent No.1

---- Non-Applicants

For Applicant	: Shri N. K. Chatterjee, Advocate.
For Non-Applicants	: None.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****17.06.2019**

Heard on I. A. No.1/2019, an application for condonation of delay in filing this MCC.

Shri Chatterjee submits that this application has been filed inadvertently as it was not required to be filed in this petition. As such, he does not want to press this application. The application is accordingly rejected as not pressed.

Also heard on admission.

This MCC has been filed for modification of the order impugned dated 08.07.2013 passed in MA No.80/2011 under Section 47 of the Guardian and Wards Act, 1890.

Learned counsel for the applicant submits that the Non-Applciant No.1, namely Anju Mishra has already married with someone else, therefore, the order impugned deserves to be modified.

At the outset, it appears from perusal of the record that the order impugned was questioned by the Applicant before Hon'ble the Supreme Court, where it was dismissed vide order dated 08.10.2013 in a Petition for Special Leave to Appeal Civil No.31118/2013. However, while filing this MCC for modification of the order impugned, this material fact has been suppressed deliberately and trying to get the order impugned modified. Since, the order impugned has already been affirmed by the Supreme Court, therefore, under such circumstances, it is not at all permissible for this Court to modify the same, as contended by the Applicant.

In view of the above, I am not inclined to entertain this Petition, which deserves to be and is hereby dismissed with cost of Rs.10,000/- (Ten Thousand only) payable to the Non-Applciant No.1/Smt. Anju Mishra within a period of 4 months from today.

The Registry is directed to communicate this order to the Non-Applciant No.1 for her information.

Sd/-
(Sanjay Agrawal)
Judge