

HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 835 of 2014**

- Santosh S/o Late Tetkuram Aged About 42 Years R/o Talapara, Bilaspur, PS Civil Line, District Bilaspur C.G.

---- Appellant**Versus**

1. Shri Shabbir Hussai, aged about 46 years,
2. Abbas Ali, aged about 44 years,
Both are son of late Shri Rajabali, Businessmen of Machine, resident of Juniline, Bilaspur, P.S. Civil Line, District Bilaspur, CG.
3. State of Madhya Pradesh (now Chhattisgarh), through the Collector, Bilaspur, CG.
4. Chandrashekhar Son of Late Tetkuram, aged about 34 years,
5. Vijay Son of Late Tetkuram, aged about 25 years,
6. Bhuri Bai W/o Late Tetkuram
Respondents No. 4 to 6 are resident of Talapara, Bilaspur, P.S. Civil Line, Distt. Bilaspur C.G.

---- Respondents

For Appellant : Shri Ravi Maheshwari, Advocate
 For Respondents : Shri Ali Asgar, Advocate
 For State/respondent No.3 : Shri Sanjay K. Agrawal, Govt. Advocate

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order on Board****Per Manindra Mohan Shrivastava, J.****05/08/2019**

Heard.

2. This MCC seeks to recall order dated 16.03.2005 passed in MCC (FA) No. 531/1996 to its original number.
3. We find that vide order dated 24.07.2014 passed in MCC No. 1095/2013, it has been held in para 3 as below:-

Considering the submission of counsel for the applicant – Santosh virtually the applicant was not having any locus-standi in the appeal and is not having locus-standi in the present application for restoration of the appeal. Even otherwise, appeal has been dismissed as withdrawn and not dismissed for want of prosecution, therefore, we do not find any ground for restoration of appeal at the instance of a person not having locus-standi.

4. As long as the aforesaid order dated 24.07.2014 stands, no relief can not be granted in this MCC. Therefore, the appellate would be at liberty to seek recall of order dated 24.07.2014. With that liberty this MCC is dismissed.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**

**Sd/-
(Vimla Singh Kapoor)
Judge**