

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 519 of 2018

- Satish Sejpai, S/o Late Tribhuwan Das Sejpai, Aged About 58 Years, R/o Qtr. No. 8-B, Street 32, Sector 7, Bhilai, P.S. Kotwali, Tahsil And District Durg, Chhattisgarh

---- Petitioner

Versus

1. Chanchal Ben Shah, W/o Late Ramji Shah, Aged About 75 Years, R/o 19/4, Nehru Nagar West, Bhilai, P.S. Bhilai, Tahsil And District Durg, Chhattisgarh
2. Commissioner Municipal Corporation Bhilai, Tahsil And District Durg, Chhattisgarh
3. Anil Dabra, S/o Asandas Dabra, R/o Nehru Nagar East, Bhilai, Tahsil And District Durg, Chhattisgarh, C/o Shankar Glass Center, 63/ B, Shastri Market, Power House, Bhilai, Tahsil And District Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Manish Upadhyay, Adv.
For Respondent No.1	:	Shri Amrito Das, Adv.
For Respondent No.2	:	Shri Pankaj Agrawal, Sr. Adv. Alongwith Ms. Preeti Yadav, Adv.
For Respondent No.3	:	Shri Romir S.Goyal, Adv.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

30/04/2019

1. Heard on prayer for restoration of First Appeal No.329/2017, which was earlier dismissed on 25.06.2018.
2. Having heard learned counsel for the parties.
3. Though, learned counsel for the respective respondents opposes the prayer for restoration by submitting that the cause shown in the

application is not adequate.

4. Upon due consideration of the grounds urged in the application for restoration, we are satisfied that just and sufficient cause is made out for non-appearance of the applicant when the case was called out for hearing on 25.06.2018 was bonafide and not intended to delay the proceedings.
5. Accordingly, the application (MCC) is allowed. Order dated 25.06.2018, dismissing the First Appeal No.329/2017 for want of prosecution is hereby re-called and the First Appeal is restored to its original number, subject to petitioner depositing cost of Rs.500/- to each of the respondents within 6 weeks.
6. Therefore, MCC is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

yasmin