

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C.No.156 of 2019****1. Tikaram (Dead) through Legal Representatives**

1(a). Hiralal Sahu, aged about 58 years, son of Late Tikaram Sahu alias Tiknuram

1(b). Damrudhar Sahu aged about 54 years, son of Late Tikaram Sahu alias Tiknuram

1(c). Khushiram Sahu, Aged about 48 years, son of Late Tikaram Sahu alias Tiknuram

All R/o Baikunthpur, District Raigarh (Chhattisgarh)

----- Applicants

Versus

Kehar Singh (Since Dead) through Legal Representative

1.a Taranjeet Singh, S/o Late Kehar Singh, aged about 56 years, R/o Nayaganj, Gaurishankar Mandir Road, Raigarh, Tehsil & District Raigarh (Chhattisgarh)

----- Respondent

For Applicants	:	Mr.Ashish Shrivastava, Advocate
For Respondent	:	Mr.Hari Agrawal, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/12/2020

1. Heard on I.A.No.01/2009 for condonation of delay in filing the MCC.

2. Sufficient cause has been shown for delay in filing the MCC. Accordingly, I.A.No.01/2019 is allowed and delay is hereby condoned.

3. With the consent of learned counsel for the parties, the matter is heard on admission.

4. Learned counsel for the parties submit that process fee has been paid and amendment has been incorporated

on 04.12.2018 and there is an official mistake that in memo of appeal attached with process fee paid on 04.12.2018 name of legal representative of the respondent has not been mentioned. However, learned counsel for the applicants submits that order not complied with.

5. I have heard learned counsel for the parties.

6. Process fee has already been paid on 04.12.2018 and amendment has also been carried out, but merely because in memo of appeal name of legal representative has not been mentioned, the appeal has been dismissed, that is too technical approach on the part of the Registry.

7. Accordingly, the MCC is allowed and Second Appeal No.460 of 1991 is restored in its original number for hearing and disposal in accordance with law.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-