

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 192 of 2020

- Shashank Jaiswal S/o Shri Radhe Shyam Jaiswal Aged About 29 Years R/o Shop 5, Maitri Apartment, Risali, Bhilai, Presently Residing At Gupta Typing, Near Water Tank, Bilha, Tehsil Bilha, District Bilaspur, Chhattisgarh Presently Residing At C/o Vinod Jaiswal, Shop No. 6, Transport Nagar, Parsada, Bilaspur, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- Neelam Jaiswal W/o Shri Shashank Jaiswal And D/o Shri Shivnath Prasad Yadav Aged About 29 Years Block No. 7/a, Road No. 11, Sector-5, Bhilai, District Durg, Chhattisgarh Presently Resident Of Qtr. No. 2-Q, Street No. 36, Sector-6, Bhilai, District Durg, Chhattisgarh

--- Respondent

For Applicant : Tarun Dansena, Advocate.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

25/02/2020

1. There is an application for restoration of FAM No.134 of 2010 which was dismissed for want of prosecution on 20.01.2020.
2. The cause shown for restoration is that on 09.01.2020, the appellant had withdrawn his case from the counsel and NOC was also given by the counsel for engaging other counsel but later on, appellant solved the problem and told to the present counsel for arguing his case but in the meanwhile the case has been listed and dismissed for want of prosecution on 20.01.2020.
3. The cause shown in the application, to say the least, is absolutely afterthought and not at all bona fide. While dismissing the appeal on 20.01.2020 for want of prosecution, this Court had made strict observation against the appellant that he was abusing the process of law without having any intention of getting the appeal decided on merits. This Court after going through the records had observed that the appellant is repeatedly inviting orders of dismissal for want of prosecution and then coming out with an application for restoration of the

case.

4. This application is absolutely mala fide and is therefore without any basis, only an attempt by the appellant to somehow keep the matter without arguing. Earlier, the case was called out for hearing, it was listed at the top of the list being an old matter of 2010 but no appearance was made till 3:00 PM and therefore, this Court was left with no option but to dismiss the case for want of prosecution.
5. In these circumstances, the application (MCC) is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ravi