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HIGH COURT OF CHHATTISGARH, BILASPUR**MCC No. 820 of 2017**

*(Arising out of order dated 09.11.2016 passed in First Appeal (M) No.98 of 2016 by
the learned Division Bench)*

- Raju Kashyap, S/o Ashik Kashyap, aged about 31 years, R/o Village Soridnager, Bharripara, Dhamtari Tahsil and District Dhamtari (C.G.)

---- Petitioner**Versus**

- Smt. Santoshi Kashyap, W/o Raju Kashyap, (D/o Shri Ashok Gupta), aged about 30 years, R/o Gokulnagar, Sudama Nagarpara (Ramnagar) Police Station Gudhiyari, Raipur, Tahsil and District Raipur (C.G.)

---- Respondent

For Appellant : Shri Sachin Nidhi, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge

Order on Board**Per P. R. Ramachandra Menon, Chief Justice****05.02.2020**

1. Heard on I.A. No. 01 of 2017, application for condonation of delay of 292 days in filing the restoration application. For the reason stated in the application, the same is allowed. Delay is condoned.
2. The first appeal came to be dismissed because of the peremptory order dated 09.11.2016 passed by this Court whereby time was given to have the defect rectified; failing which it would stand automatically dismissed without any necessity to have placed before the Bench.
3. The learned counsel for the Petitioner submits that the notice was caused to be served on the respondent in the last shown address, but that was not fruitful. Under such circumstance, the defect has been cured by filing I.A. 04 of 2020 for causing service of notice by way of paper publication.

4. Considering the turn of events, we find it appropriate to cause restoration of First Appeal (M) No.98 of 2016; however, subject to terms.
5. The appeal stands restored, subject to satisfaction of the cost of Rs. 1,000/- to the High Court Legal Aid Committee within one week.
6. I.A. No. 04 of 2020 is left for consideration by the Regular Bench. The appeal is to be listed before the Regular Bench; on restoration as above.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(Rajendra Chandra Singh Samant)
Judge