

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.C.C. NO. 575 OF 2021**

- Hindustan Steelworks Construction Limited, P-34A, Gariahat Road (South), Kolkata-700031 (West Bengal). Also at: Nirman Bhawan, Sector-1, Bhilai Durg-491001 (C.G.)

... Applicant/Appellant**versus**

- M/s S. Kumars Associates, G.S. Compound, New Bus Stand, T.P. Nagar, Korba-495677 (C.G.)

... Respondent

For Applicant/Appellant : Mr. N. Naha Roy, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Hon'ble Smt. Justice Rajani Dubey****Order on Board****[30/11/2021]****Per, P. Sam Koshy, J.**

1. The present MCC has been filed by Applicant/Appellant seeking for restoration of F.A.M. No.25/2020 which got dismissed by a peremptory Order passed on 8.9.2021.
2. The said peremptory Order was for filing of the Paper Book within a period of two weeks, which the Appellant failed.
3. Learned Counsel for Applicant/Appellant submits that since the documents were too voluminous there was certain delay which occurred in collecting the documents and that now he is in position to file the Paper Book, however, by virtue of the said peremptory Order, the Appeal stood dismissed. He therefore prays for the restoration of the Appeal.
4. On due consideration of the contentions put forth by learned Counsel for Applicant/Appellant and also taking into account the reasons mentioned in the Application for restoration, a strong case is made out for restoration of the Appeal.
5. Accordingly, the M.C.C. is allowed and the F.A.M. No.25/2020 is restored to its original number.

6. However, so far as the default of non-filing of Paper Book is concerned, the Appellant is granted further two weeks' time enabling them to cure the default of non-filing of the Paper Book, failing which the Appeal would again stand dismissed without further reference to the Bench and the present Order would also lose its efficacy.

7. M.C.C. stands allowed and disposed of accordingly. No costs.

Sd/-
(P. Sam Koshy)
JUDGE

Sd/-
(Rajani Dubey)
JUDGE

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