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**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR**

**BEFORE  
HON'BLE SHRI JUSTICE ROOPESH CHANDRA VARSHNEY**

**ON THE 8<sup>th</sup> OF JANUARY, 2024**

**MISC. CIVIL CASE No. 545 of 2023**

**BETWEEN:-**

**BHAJNA S/O LATE SHRI NANDUA BAGHEL, AGED 80  
YEARS, OCCUPATION: AGRICULTURIST R/O VILLAGE  
MAMONI KALA TEHSIL KARERA DISTRICT SHIVPURI  
(MADHYA PRADESH)**

**.....APPLICANT**

***(BY SHRI O.P. SHRIVASTAVA - ADVOCATE)***

**AND**

- 1. SMT. RAMKO W/O LATE SHRI GEBU R/O VILLAGE  
MAMONI KALA TEHSIL KARERA DISTRICT  
SHIVPURI (MADHYA PRADESH)**
- 2. SMT. PREMA D/O LATE GEBU R/O MAMONI KALA  
TEHSIL KARERA DIST. SHIVPURI (MADHYA  
PRADESH)**
- 3. SMT. PARWATI D/O LATE GEBU R/O MAMONI  
KALA TEHSIL KARERA DIST. SHIVPURI (MADHYA  
PRADESH)**
- 4. RAJARAM S/O LATE GEBU R/O MAMONI KALA  
TEHSIL KARERA DIST. SHIVPURI (MADHYA  
PRADESH)**
- 5. PEETAM S/O LATE GEBU R/O MAMONI KALA  
TEHSIL KARERA DIST. SHIVPURI (MADHYA  
PRADESH)**
- 6. BADRI S/O LATE GEBU R/O MAMONI KALA  
TEHSIL KARERA DIST. SHIVPURI (MADHYA  
PRADESH)**
- 7. THE STATE OF M.P. THROUGH COLLECTOR  
DISTRICT SHIVPURI (MADHYA PRADESH)**

**(BY SHRI RAMADHAR CHOUBEY - GOVERNMENT ADVOCATE FOR  
RESPONDENT NO.7/STATE)**

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*This application coming on for admission this day, the court passed the following:*

**ORDER**

Heard on I.A. No.1661/2023, an application under Section 5 of Limitation Act for condonation of delay.

It is submitted that there is a delay of about 7 years in filing the present application.

For the reasons stated in the application, same is allowed and delay is hereby condoned.

Heard on the main application.

This is an application for restoration of S.A. No.375/2008, which stood dismissed for want of prosecution by this Court vide order dated 30.07.2015.

It is submitted by the counsel for the applicant that on the date of hearing, the counsel for the applicant was not well, therefore, he could not attend the Court. It is settled in law that for the mistake of counsel, litigant should not be made to suffer due to fault of his counsel.

For the reasons assigned in the application, which is supported by an affidavit, sufficient cause is made out for restoration of S.A. No.375/2008. Hence, the application is allowed and S.A. No.375/2008 is restored to its original number.

A copy of this order be placed in the record of S.A. No.375/2008.

This M.C.C. stands **disposed of** accordingly.

Adnan

