IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ROOPESH CHANDRA VARSHNEY

ON THE 2nd OF FEBRUARY, 2024

MISCELLANEOUS CIVIL CASE No. 1509 of 2023

BETWEEN:-

PRAMOD KUMAR S/O SHRI SHIVDAYAL TIWARI, AGED ABOUT 46 YEARS, OCCUPATION: AGRICULTURE R/O VILLAGE PAMARIA TEHSIL AND DISTRICT VIDISHA (MADHYA PRADESH)

.....APPLICANT

(BY SHRI YASH SHARMA- ADVOCATE)

AND

1. **MAHESH KUMAR S/O SHRI HEERA LAL SHARMA, AGED ABOUT 56 YEARS,**

2. **OM PRAKASH S/O SHRI HEERA LAL SHARMA, AGED ABOUT 49 YEARS,**

3. **SUBHASH S/O SHRI HEERA LAL SHARMA, AGED ABOUT 45 YEARS,**

4. **KRISHNA BIHARI S/O SHRI HEERA LAL SHARMA, AGED ABOUT 55 YEARS,**

5. **SURESH S/O SHRI HEERA LAL SHARMA, AGED ABOUT 39 YEARS,**

6. **ASHA SHUKLA D/O SHRI HEERA LAL SHARMA AGED- 42 YEARS**

7. **RANI TIWARI D/O SHRI HEERA LAL SHARMA, AGED ABOUT 37 YEARS,**
   ALL R/O VILLAGE DEV KHAJOORI, TEHSIL AND DISTRICT VIDISHA (MADHYA PRADESH)

8. **STATE OF MADHYA PRADESH THROUGH COLLECTOR, DISTRICT VIDISHA (MADHYA PRADESH)**

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.....RESPONDENTS

(BY SHRI S.N.SETH- ADVOCATE FOR THE RESPONDENTS NO.2 TO 7)

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

ORDER

Heard on I.A. No.4146/2023, an application under Section 5 of Limitation Act for condonation of delay.

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

This is an application for restoration of S.A.No.661/2004, which stood dismissed for want of prosecution order dated 02/05/2023.

The application is vehemently opposed by the counsel for the respondents. It is submitted that several SPC were issued against the appellant.

For the reasons assigned in the application, which is supported by an affidavit, sufficient cause is made out for restoration of S.A.No.661/2004. Hence, the application is allowed subject to the deposit of cost of Rs.1,500/- in the High Court Bar Association, Gwalior within a period of seven working days and S.A.No.661/2004 is restored to its original number.

A copy of this order be placed in the record of S.A.No.661/2004.

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

(ROOPESH CHANDRA VARSHNEY)
JUDGE

Pj'S/-

Signature Not Verified
Signed by: PRINCEE BARAIYA
Signing time: 05-02-2024 11:54:42 AM