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

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

ON THE 9th OF JANUARY, 2024

MISC. CIVIL CASE No. 2347 of 2023

BETWEEN:-

**PATOLABAI (DEAD) THR. LRS. KALLOBAI W/O SHRI
TARABAI, AGED 55 YEARS, R/O RAMGARH RAOD,
DABRA, DISTRICT GWALIOR (MADHYA PRADESH)**

.....APPLICANT

(BY MRS.SANGEETA PACHAURI - ADVOCATE)

AND

**HIRA SINGH (DEAD) TH. LRS GAJENRA SINGH S/O SHRI
SANTOSH SINGH R/O WARD NO. 4, RAMGARH ROAD,
DABRA, DISTRICT GWALIOR (MADHYA PRADESH)**

.....RESPONDENT

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

ORDER

Heard on I.A. No.6852/2023, an application under Section 5 of
Limitation Act for condonation of delay.

It is submitted that there is a delay of about 476 days 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.411/2013, which stood
dismissed for want of prosecution by this Court vide order dated 09.05.2022.

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.411/2013. Hence, the application is allowed and S.A. No.411/2013 is restored to its original number.

A copy of this order be placed in the record of S.A. No.411/2013.

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

(ROOPESH CHANDRA VARSHNEY)
JUDGE

Adnan

