IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CIVIL CASE No. 231 of 2024

BETWEEN:-

1. **SMT. MUSTARI BEGUM W/O LATE NAZEER AHMED, AGED ABOUT 56 YEARS, R/O DR. AMBEDKAR WARD, OPPOSITE ALI PAINTER, PADAV, MANDLA, TEHSIL AND DISTRICT MANDLA (MADHYA PRADESH)**

2. **AZAZ AHMED S/O LATE NAZEER AHMED, AGED ABOUT 30 YEARS, R/O DR. AMBEDKAR WARD, OPP. ALI PAINTER PADAV, MANDLA TAHSIL AND DISTRICT MANDLA (MADHYA PRADESH)**

3. **AFAZ AHMED S/O LATE NAZEER AHMED, AGED ABOUT 30 YEARS, R/O DR. AMBEDKAR WARD, OPP. ALI PAINTER PADAV, MANDLA TAHSIL AND DISTRICT MANDLA (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI MANOJ SANGHI - ADVOCATE)

AND

1. **SHAMEEM KHAN W/O LATE NAZEER AHMED, AGED ABOUT 46 YEARS, R/O WARD NO. 9, LOHAR GALI, BAIHAR ROAD, BALAGHAT, TEHSIL AND DISTRICT BALAGHAT (MADHYA PRADESH)**

2. **QAMAR AFREEN S/O LATE NAZEER AHMED, AGED ABOUT 25 YEARS, R/O WARD NO.9, LOHAR GALI, BAIHAR ROAD, BALAGHAT, TAHSIL AND DISTRICT BALAGHAT (MADHYA PRADESH)**

3. **KU. JEENAT AARA S/O LATE NAZEER AHMED, AGED ABOUT 23 YEARS, R/O WARD NO.9, LOHAR GALI, BAIHAR ROAD, BALAGHAT, TAHSIL AND DISTRICT BALAGHAT (MADHYA PRADESH)**

4. **KU. NIKHAT S/O LATE NAZEER AHMED, AGED ABOUT 21 YEARS, R/O WARD NO.9, LOHAR GALI,**

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BAIHAR ROAD, BALAGHAT, TAHSIL AND DISTRICT BALAGHAT (MADHYA PRADESH)

5. KU. KHUSHI D/O NOT MENTION, AGED ABOUT 15 YEARS, MINOR THROUGH NATURAL GUARDIAN MOTHER SMT. SHAMEEM KHAN AGED ABOUT 46 YEARS, WIFE OF LATE NAZEER AHMED R/O WARD NO.9, LOHAR GALI, BAIHAR ROAD, BALAGHAT, TAHSIL AND DISTRICT BALAGHAT (MADHYA PRADESH)

6. BRANCH MANAGER, STATE BANK OF INDIA BRANCH CHOURAI, DISTRICT CHHINDWARA (MADHYA PRADESH)

7. SMT. HAMEEDA QURESHI (SINCE DEAD) THROUGH LRS:-
7(A) JAMEEN QURESHI S/O NOOR MOHAMMAD, AGED ABOUT 54 YEARS, R/O LOHAR GALI, BAIHAR ROAD, BALAGHAT, TAHSIL AND DISTRICT BALAGHAT (MADHYA PRADESH)

8. PARJAN NASREEN W/O LATE NAZEER AHMED, AGED ABOUT 51 YEARS, R/O SHANTI NAGAR, BAIHAR ROAD, BALAGHAT TAHSIL AND DISTRICT BALAGHAT (MADHYA PRADESH)

.....RESPONDENTS

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

ORDER

Heard on the question of admission.

2. The present application has been filed for restoration of CR No.414/22, which was dismissed for want of prosecution vide order dated 05.01.2024.

3. Considering the averments made in the application supported by an affidavit of counsel for the applicants, this Court finds that sufficient cause is shown for restoration of CR No.414/22.

4. Accordingly, MCC is **allowed**.

5. CR No.414/22 is restored to its original number subject to payment of cost

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of Rs 2,000/- (Two thousand only) which shall be paid to the M.P. High Court Bar Association, Jabalpur within a period of seven days, failing which, the order of dismissal of CR No.414/22 shall remain intact.

6. The payment of cost of Rs.2000/- shall be a condition precedent for restoration of CR No.414/22.

7. Pending application(s), if any, shall stand disposed off.

8. A copy of this order be kept in the file of CR No.414/22.

(DWARKA DHISH BANSAL)
JUDGE

pb

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