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. 265 of 2024

BETWEEN:-

1. **VAIJAYNTI BAI W/O LATE SHRI BHOLARAM, AGED ABOUT 72 YEARS, R/O WARD NO 10, VIRAT BHAWAN, GHARHOLA MOHALLA, P.O. AND P.S. SHAHDOL DISTRICT SHAHDOL (MADHYA PRADESH)**

2. **JAI PRAKASH NARAYAN GARG S/O LATE SHRI BHOLA RAM GARG, AGED ABOUT 51 YEARS, R/O WARD NO. 16 VIRAT BHAWAN GHARHOLA MOHALLA P.O. AND P.S. SHAHDOL DISTRICT (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI D. N. SHUKLA - ADVOCATE)

AND

1. **DHARAMDAS S/O LATE VIDESHI BARI, AGED ABOUT 53 YEARS, R/O WARD NO. 1, MUNICIPAL AREA SHAHDOL P.S. AND P.O. SHAHDOL DISTRICT SHAHDOL (MADHYA PRADESH)**

2. **GAURA BAI D/O LATE BADRI BARI, AGED ABOUT 65 YEARS, R/O WARD NO. 10 MUNICIPAL AREA SHAHDOL P.S. AND P.O. SHAHDOL DISTRICT (MADHYA PRADESH)**

3. **SARITA D/O LATE BADRI PRASAD BARI, AGED ABOUT 16 YEARS, R/O WARD NO. 10 MUNICIPAL AREA SHAHDOL P.S. AND P.O. SHAHDOL DISTRICT (MADHYA PRADESH)**

4. **BHUPENDRA S/O LATE BADRI PRASAD BARI, AGED ABOUT 14 YEARS, R/O WARD NO. 10 MUNICIPAL AREA SHAHDOL P.S. AND P.O. SHAHDOL DISTRICT (MADHYA PRADESH)**

5. **SUSHILA W/O LATE JAGANNATH BARI, AGED**

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ABOUT 50 YEARS, R/O WARD NO. 10 MUNICIPAL AREA SHAHDOL P.S. AND P.O. SHAHDOL DISTRICT (MADHYA PRADESH)

6. **NAGENDRA BARI S/O LATE JAGANNATH BARI, AGED ABOUT 15 YEARS, R/O WARD NO. 10 MUNICIPAL AREA SHAHDOL P.S. AND P.O. SHAHDOL DISTRICT (MADHYA PRADESH)**

7. **GYANENDRA M/O SUSHILA W/O LATE JAGANNATH BARI, AGED ABOUT 14 YEARS, R/O WARD NO. 10 MUNICIPAL AREA SHAHDOL P.S. AND P.O. SHAHDOL DISTRICT (MADHYA PRADESH)**

8. **RAM KHELWAN S/O LATE SHRI BHOLARAM, AGED ABOUT 50 YEARS, R/O WARD NO. 16 VIRAT BHAWAN GHARHOLA MOHALLA P.O. AND P.S. SHAHDOL DISTRICT (MADHYA PRADESH)**

9. **LAXMI W/O LATE RAMESH GARG, AGED ABOUT 50 YEARS, R/O WARD NO. 16 VIRAT BHAWAN GHARHOLA MOHALLA P.O. AND P.S. SHAHDOL DISTRICT (MADHYA PRADESH)**

10. **SANJAY GARG S/O LATE SHRI RAMESH GARG, AGED ABOUT 26 YEARS, R/O WARD NO. 16 VIRAT BHAWAN GHARHOLA MOHALLA P.O. AND P.S. SHAHDOL DISTRICT (MADHYA PRADESH)**

11. **ANOOP GARG S/O LATE SHRI RAMESH GARG, AGED ABOUT 21 YEARS, R/O WARD NO. 16 VIRAT BHAWAN GHARHOLA MOHALLA P.O. AND P.S. SHAHDOL DISTRICT (MADHYA PRADESH)**

12. **SURESH PRASAD S/O LATE SHRI BHOLA RAM GARG, AGED ABOUT 50 YEARS, R/O WARD NO. 16 VIRAT BHAWAN GHARHOLA MOHALLA P.O. AND P.S. SHAHDOL DISTRICT (MADHYA PRADESH)**

13. **TRILIKINATH GARG S/O LATE SHRI BHOLARAM GARG, AGED ABOUT 40 YEARS, R/O WARD NO. 16 VIRAT BHAWAN GHARHOLA MOHALLA P.O. AND P.S. SHAHDOL DISTRICT (MADHYA PRADESH)**

14. **RAM NARAYAN S/O LATE SHRI BHOLARAM GARG, AGED ABOUT 27 YEARS, R/O WARD NO. 16 VIRAT BHAWAN GHARHOLA MOHALLA P.O. AND P.S. SHAHDOL DISTRICT (MADHYA PRADESH)**

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.....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 SA No.1122/11, which was dismissed for want of prosecution vide order dated 16.01.2024.

3. Considering the averments made in the application supported by an affidavit of clerk of the counsel for the applicants, this Court finds that sufficient cause is shown for restoration of SA No.1122/11.

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

5. SA No.1122/11 is restored to its original number subject to payment of cost of Rs 2,000/- (Two thousand only) which shall be paid to the State Legal Services Authority, Jabalpur within a period of seven days, failing which, the order of dismissal of SA No.1122/11 shall remain intact.

6. The payment of cost of Rs.2000/- shall be a condition precedent for restoration of SA No.1122/11.

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

8. A copy of this order be kept in the file of SA No.1122/11.

(DWARKA DHISH BANSAL)
JUDGE

pb

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