IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

ON THE 4th OF JANUARY, 2024

SECOND APPEAL No. 977 of 2012

BETWEEN:-

1. JAVED AHMAD S/O MAQBOOL AHMAD, AGED ABOUT 55 YEARS, CHITRAKOOT ROAD, MALGAVA, TAH. MAJGAVA (MADHYA PRADESH)

2. AVESH AHMAD (DEAD) THROUGH LRS:-

2(a) SMT. DILWARI BEGUM W/O LATE AVESH AHMAD, AGED ABOUT 40 YEARS, VILL. MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

2(b) TAYSHIRA KHANAM D/O LATE AVESH AHMAD, AGED ABOUT 24 YEARS, VILL. MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

2(c) ARSHAD AHMAD S/O LATE AVESH AHMAD, AGED ABOUT 19 YEARS, VILL. MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

2(d) GULISTA KHANAM (SINCE DEAD)

2(e) MUDASSIR AHMAD S/O LATE AVESH AHMAD, AGED ABOUT 15 YEARS, OCCUPATION: MINOR THROUGH MOTHER AND NATURAL GUARDIAN SMT. DILWARI BEGUM VILL. MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

.....APPELLANTS

(NONE)

AND

1. BABULAL AGRAWAL (DEAD) THR. LRS:-

1(a) DURGA PRASAD AGRAWAL S/O LATE BABULAL AGRAWAL VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

1(b) JAGDISH PRASAD AGRAWAL S/O LATE BABULAL AGRAWAL VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

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1(c) SMT. RADHA AGRAWAL D/O LATE BABULAL AGRAWAL VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

1(d) SHARDA PRASAD AGRAWAL S/O LATE BABULAL AGRAWAL VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

1(e) RUKMANI AGRAWAL D/O LATE BABULAL AGRAWAL VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

1(f) LALTA AGRAWAL D/O LATE BABULAL AGRAWAL VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

1(g) RAJKUMARI D/O LATE BABULAL AGRAWAL VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

2. BELA BAI (DELETED)

3. DHARAMDAS AGRAWAL S/O JIVANLAL AGRAWAL, AGED ABOUT 40 YEARS, VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

4. RATANLAL S/O JIVANLAL AGRAWAL, AGED ABOUT 40 YEARS, VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

5. KRISHNADAS AGRAWAL S/O JIVANLAL AGRAWAL, AGED ABOUT 50 YEARS, VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

6. GUDIYA D/O JIVANLAL , AGED ABOUT 33 YEARS, VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

7. GITA D/O JIVANLAL, AGED ABOUT 28 YEARS, VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

8. RITA D/O JIVANLAL, AGED ABOUT 27 YEARS, VILLAGE MAJGAVA, DISTT. SATNA (MADHYA PRADESH)

9 MAYA D/O JIVANLAL, AGED ABOUT 25 YEARS, VILLAGE MAJGAVA, DISTT. SATNA (MADHYA

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PRADESH)

10. COLLECTOR / DISTRICT MAGISTRATE THE STATE OF MADHYA PRADESH SATNA (MADHYA PRADESH)

.....RESPONDENTS

(SHRI JAGTENDRA PRASAD BANSAL - ADVOCATE FOR RESPONDENT 1)

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

ORDER

None for the appellants.

2. On 03.01.2024 also none had appeared on behalf of the appellants, therefore, this Court passed the following order:-

"None for the appellants.

Shri Jagtendra Prasad Bansal, Advocate for respondent 1.

As none is appearing for the appellants, therefore, the case is adjourned.

As a last indulgence, list on 04.01.2024 at the top of the list with the stipulation that if none appears to argue the case on behalf of the appellants, this Court shall be at liberty to dismiss the appeal for want of prosecution."

3. As today also none is appearing for the appellants, therefore, it appears that the appellants have lost their interest in prosecuting this case. Resultantly, this **second appeal is dismissed** for want of prosecution with cost of Rs.5,000/- (Rs. Five Thousand only).

4. It is made clear that, if any application for restoration is filed, the deposition of cost of Rs.5,000/- payable to the M.P. High Court Bar Association, Jabalpur shall be a condition precedent to entertain the application

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for restoration, if any.

5. Pending application(s), if any, shall stand dismissed.

(DWARKA DHISH BANSAL)
JUDGE

ss

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