IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 24th OF JANUARY, 2024

MISC. CIVIL CASE No. 2275 of 2022

BETWEEN:-

LAXMI NARAYAN PARASHAR S/O LATE SHRI MOOLCHAND PARASHAR, AGED ABOUT 78 YEARS, D-27, KOHE FIZA BHOPAL (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SANJAY KUMAR PATEL - ADVOCATE)

AND

1. **SMT. RAJUBAI W/O LATE SHRI HUKUMCHAND TAPTI APARTMENT T.T. NAGAR BHOPAL (MADHYA PRADESH)**

2. **KAILASH PARASHAR S/O LATE SHRI HUKUMCHAND R/O 2 TAPTI APARTMENT T.T. NAGAR BHOPAL (MADHYA PRADESH)**

3. **ANIL PARASHAR S/O LATE SHRI HUKUMCHAND R/O 2 TAPTI APARTMENT T.T. NAGAR BHOPAL (MADHYA PRADESH)**

4. **SMT. MANORAMA PASTARIYA W/O SHRI KRISHNAKANT PASTARIYA NAWRANG TENT HOUSE BHOPAL (MADHYA PRADESH)**

5. **SMT. MADHU PASTARIYA W/O SHRI RAMAKANT PASTARIYA R/O AAMER COMPLEX ZONE-2 MP NAGAR BHOPAL (MADHYA PRADESH)**

6. **SMT. KALABAI W/O LATE SHRI BABULAL PARASHAR, AGED ABOUT 65 YEARS, R/O VILLAGE BILKHEDIA DISTRICT BHOPAL (MADHYA PRADESH)**

7. **SHRI MAHESH KUMAR S/O LATE SHRI BABULAL PARASHAR, AGED ABOUT 52 YEARS, R/O VILLAGE BILKHEDIA DISTRICT BHOPAL (MADHYA PRADESH)**

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8. **ASHOK KUMAR S/O LATE SHRI BABULAL PARASHAR, AGED ABOUT 50 YEARS, R/O VILLAGE BILKHEDIA DISTRICT BHOPAL (MADHYA PRADESH)**

9. **DINESH KUMAR S/O LATE SHRI BABULAL PARASHAR, AGED ABOUT 25 YEARS, R/O VILLAGE BILKHEDIA DISTRICT BHOPAL (MADHYA PRADESH)**

10. **SMT. USHA BHARTARE W/O DR. BADARI PRASAD BHARTARE, AGED ABOUT 37 YEARS, R/O BHANWARGANJ BYAVARA DISTRICT RAJGARH (MADHYA PRADESH)**

11. **SMT. NIRMALA VYAS W/O PARMANAND VYAS R/O PACHOR DISTRICT RAJGARH (MADHYA PRADESH)**

12. **SMT. REKHA DUBOLIYA W/O SHRI K. DUBOLIYA, AGED ABOUT 32 YEARS, R/O PATRAKAR COLONY PALASIA INDORE (MADHYA PRADESH)**

13. **KU. MAMTA D/O LATE SHRI BABULAL, AGED ABOUT 38 YEARS, R/O BILKHIRIA , BILKHEDA TAHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)**

14. **KU. SEEMA D/O LATE SHRI BABULAL, AGED ABOUT 43 YEARS, R/O BILKHIRIA , BILKHEDA TAHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)**

15. **SMT. RANJANA W/O LATE PRADEEP PARASHAR, AGED ABOUT 52 YEARS, R/O BILKHEDA TAHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)**

16. **SHRI VAIBHAV PARASHAR S/O LATE PRADEEP PARASHAR THROUGH ITS NATURAL GUARDIAN, MOTHER SMT. RANJANA PARASHAR, AGED ABOUT 13 YEARS, R/O BILKHEDA TAHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)**

17. **SHRI SAMBHAV PARASHAR S/O LATE PRADEEP PARASHAR THROUGH ITS NATURAL GUARDIAN, MOTHER SMT. RANJANA PARASHAR, AGED ABOUT 10 YEARS, R/O BILKHEDA TAHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)**

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18. SHRI AWADNARAYAN S/O SHRI BHAWANI PRASAD DUBEY, AGED ABOUT 53 YEARS, R/O VILLAGE EATKHEDI TAHSIL HUZUR DISTRICT BHOPAL (MADHYA PRADESH)

19. SUDHIR KUMAR S/O SHRI LAXMI NARAYAN PARASHAR, AGED ABOUT 46 YEARS, R/O D-27 KOHE-FIZA BHOPAL (MADHYA PRADESH)

20. RANJAN KUMAR S/O SHRI LAXMI NARAYAN PARASHAR, AGED ABOUT 42 YEARS, R/O D-27 KOHE-FIZA BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(NONE)

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

ORDER

This is an application seeking restoration of M.A. No.115/2017 which was dismissed for want of prosecution vide order dated 02.09.2022.

2. It is contended by the learned counsel for the applicant that inadvertently, appearance could not be entered when the said M.A. was taken up for hearing. It is further contended by the learned counsel that there was peremptory order which also could not be complied with. Resultantly, this Court dismissed the M.A. on account of non-compliance of the peremptory order dated 13-04-2018.

3. It is contended by the learned counsel for the applicant that the lapse for compliance of the order was bonafide and if the M.A. is restored to its original number, the said order shall be complied with within a period of fifteen days.

4. Considering the aforesaid, the MCC is allowed, subject to compliance of the common conditional order, dated 13-04-2018 within a period of thirty days from today.

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5. Office is directed to verify the factum of compliance of the order dated 13-04-2018 passed in M.A. No.115/2017.

6. Subject to compliance of the order, the M.A. No.115/2017 is restored to its original number.

7. Accordingly, the MCC stands allowed and disposed of.

(MANINDER S. BHATTI)
JUDGE

ac



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