CGHC010399212026 2026:CGHC:45207

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 980 of 2026

Latel Ram S/o Mukhi Ram Aged About 35 Years R/o Mohra, Tahsil And Distt- Bilaspur (C.G.)

... Applicant

versus

1 - Raj Kumar S/o Ramlal R/o Village Matiyari Tahsil And Distt- Bilaspur Present Address House Of Mangal Ram Suryavanshi Shivghat, New Sarkanda Bilaspur (C.G.) And Village Sanghari Post Bahatarai Police Station Hirri Distt- Bilaspur (C.G.)

2 - Shri Kejaram S/ O Late Shivdayal Aged About 55 Years Occupation Agriculture R/o Mohara Jaguwarpara, Post Office Selar Police Station Seepat Tahsil And Distt- Bilaspur (C.G.)

... Respondent(s)

For Applicant	**:**	Ms. Maya Chaturvijani, Advocate
For Respondent(s)	**:**	Mr. B. P. Gupta and Mr. Ram Kumar Tiwari, Advocates

Hon'ble Shri Justice Sachin Singh Rajput

Order On Board

27.10.2026

1. Heard on I.A. No. 1, an application for condonation of delay in filing the restoration application.

2. On due consideration and for the reasons assigned in the application, the same is allowed.

3. First Appeal No. 25/2005 Latel Ram v. Raj Kumar and Another preferred by the applicant before this Court was dismissed for want of prosecution on

20.01.2025. Seeking restoration of the aforesaid appeal, the applicant had earlier preferred M.C.C. No. 175/2025. By order dated 04.07.2025, this Court allowed the said M.C.C. and directed restoration of First Appeal No. 25/2005 subject to payment of costs of Rs.500/- to the High Court Legal Services Committee within a period of fifteen days. However, it appears that the costs were not deposited within the stipulated period and consequently the appeal could not be restored to its original number. The applicant has therefore filed the present application seeking appropriate relief in this regard.

4. Learned counsel for the applicant submits that due to a bona fide mistake, the costs could not be deposited within the stipulated period. She submits that the applicant's substantial rights are involved in the first appeal and that if the appeal is not adjudicated on merits, the applicant would be deprived of an opportunity to have the lis decided on merits. She fairly submits that the relief sought in the application has not been appropriately worded. She, therefore, prays that the applicant be granted a further period of seven working days to deposit the costs as directed by this Court vide order dated 04.07.2025 and that upon such deposit First Appeal No. 25/2005 may be restored to its original number.

5. Per contra, Mr. B. P. Gupta and Mr. R. K. Tiwari, learned counsel appearing for the respective respondents submit that although ordinarily no objection is raised to the restoration of a matter, the grounds stated in the application do not constitute sufficient cause for granting the relief sought.

6. I have heard learned counsel for the parties and perused the record.

7. Having considered the submissions advanced by learned counsel for the parties and the circumstances of the case particularly the fact that the first appeal was dismissed for want of prosecution and that its restoration was

earlier permitted subject to payment of costs, this Court is inclined to adopt a pragmatic approach and mould the relief accordingly.

8. Accordingly, the applicant is granted a further period of seven working days from today to deposit the costs of Rs.500/- to the High Court Legal Services Committee as directed by this Court vide order dated 04.07.2025 in M.C.C. No. 175/2025. Upon deposit of the aforesaid costs within the extended period, First Appeal No. 25/2005 shall stand restored to its original number.

Sd/-

(Sachin Singh Rajput)
Judge

H.Ansari

HIFZURRAHMAN ANSARI
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Date: 2026.10.27 18:13:19 +0530