



Division Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

M.C.C.NO. 103 /2005

(IN THE MATTER OF F.A.NO.95/2001)

APPLICANTS

1. Jeewandamal Kakkad, S/o. Shri Phool Singh, Prop. Jeewandmal and Brothers, Auto Parts Dealer, R/o. A20 Shankar Nagar, Shop Anand Talkies building, Moudhapara, Raipur (CG)
2. Surendra Kumar Arora, son of Jeewandamal Kakkad, Office Anand Talkies building, Moudhapara, Raipur (CG)

P.R. No. 1208/05
Presented by Shri. Bhawanilal Arora
dated. 28.08.05

VERSUS

NON-APPLICANT

Punjab and Sindh Bank, A Corporated Organization under Banking Companies Act, 1980, having its head office at Rajendra Place, New Delhi, and one of its branches at K.K. Road, Raipur (C.G.)

MISCELLANEOUS APPLICATION FOR RESTORATION OF FIRST
APPEAL NO. 95/2001



आदेश पत्रक

मामला क्रमांक M.C.C. No. 103 सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>D.B: HON'BLE JUSTICE FAKHRUDDIN.</u> <u>HON'BLE JUSTICE DILIP RAOSAHEB DESHMUKH, JJ</u></p> <p><u>30.9.2005</u></p> <p>Shri Bhaskar Payashi, learned counsel for the applicants. Shri Malaya Bhaduri, learned counsel for the respondent. Heard on M.C.P. No. 726/05 for condonation of delay in filing the M.C.C. 103/05 for restoration of F.A. No. 95/2001.</p> <p>Learned Counsel for applicants submits that the applicants were not aware about listing and dismissal of the first appeal by this Court vide order dated 28/8/2001 on the ground of non prosecution. He also submits that due to bona fide mistake the applicants have not filed the application for restoration of first appeal to its original number and prays for condoning the delay in filing the present M.C.C.</p> <p>On the other hand, learned counsel appearing for the respondent submits that the applicants themselves were not vigilant about their appeal, hence they cannot take the benefit of their own fault.</p> <p>Having considered the facts and circumstances of the case and material on record, the application (M.C.P. No. 726/05) for condonation of delay in filing the application for restoration of first appeal is allowed and the delay in filing the same is condoned.</p> <p>Accordingly, M.C.P. No. 726/05 stands disposed of.</p> <p>Heard.</p> <p>It is stated that First Appeal was filed and the same was listed for admission. It was at the preliminary stage. Thereafter</p>	<p>(पीछे देखिये)</p>

आदेश पत्रक

मामला क्रमांक सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>application U/S 148 of the C.P.C. for enlargement of time for payment of court fees has been filed along with the appeal. It is further stated that the said appeal was dismissed for non prosecution on 28.8.2001 with liberty to revive.</p> <p>Learned counsel for the applicants stated that this M.C.C. has been filed for restoration of first appeal to its original number. He further stated that the counsel was not aware of listing the case resulting in the dismissal of the appeal. He also submitted that there was a bona fide mistake on his part in not appearing on that date. The counsel also pointed out that there are similar cases pending before the Lok Adalat. He prays for restoring the first appeal to its original number.</p> <p>Not opposed.</p> <p>Having considered the facts and circumstances of the case and material available on record, the application is allowed and F.A. No. 95/2001 is restored to its original number.</p> <p>A copy of this order be placed in First Appeal.</p> <p>The appeal is listed for further orders.</p>	
	Sd/- Fakhruddin Judge	Sd/- Dilip Raosaheb Deshmukh Judge
Pooya		

(पीछे देखिये)

19.10.01

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