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IN THE HIGH COURT OF CHHATTISGARH

BILASPUR

Single Bench

M.C.C. No. 346 /2006

(3)

(Arising out of WP No. 709/2006)

Applicant ✓ Ishwar (Mentioned *Ishwari*) Prasad Verma
S/o Late Deonath Kurmi,
Aged About 62 Yrs.
Dev Smriti, Shukla Colony, Raipur

VERSUS

Respondent 1. ✓ Udai Bhanu S/o Bhuneshwar Kurmi
Age 79 Yrs., R/o Teh. & Distt. Durg
2. ✓ Rewaram Aged About 52 Yrs.
3. ✓ Vishnu Prasad Aged About 50 Yrs.
2 & 3 are S/o Late Deonath Kurmi
4. ✓ Bhushanlal Aged About 52 Yrs.
5. ✓ Ganesh Kumar Aged About 41 Yrs.
6. ✓ Sohrab Aged About 38 Yrs.
4 to 6 are S/o Parmanand Kurmi
7. ✓ Kapur Chand S/o Devlal Kurmi Aged
77 Yrs.
2 to 7 are R/o Vill. Akoli (Mandhar),
Teh. & Distt. Raipur

PR. No. 1834/06
Presented by Shri. Rajendra Chandra
dated 29/06/06

Application for Restoration

आदेश पत्रक

M.C.C. No. 346 सन् 2006

मामला क्रमांक

विरुद्ध

(9)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>30/06/2006</u></p> <p>Shri Raja Sharma, counsel for applicant.</p> <p>None for respondents No. 1 to 3 and 7.</p> <p>Shri V.A. Goverdhan, counsel for respondents No. 4 to 6.</p> <p>Learned counsel for applicant submits and prays that on 15.6.2006 except respondents No. 4,5 and 6 no one appeared on behalf of other respondents, therefore, without serving notice on other respondents, this case may be heard finally and disposed of to which learned counsel for respondents No. 4, 5 and 6 has no objection.</p> <p>Under Order 9 Rule 9(2) of the C.P.C., there is a provision that no order shall be made under this rule unless notice of the application has been served on the opposite party but from conjoin reading of order 9 Rule 8 and 9 of the C.P.C., it appears that here the opposite party denotes those who appeared earlier when the case was called out for hearing and in absence of petitioner was dismissed. However, if respondents No. 1 to 3 and 7 are discontent with the aforesaid analogy they may agitate the same by taking appropriate steps.</p> <p>Heard.</p> <p>Taking into consideration the reasons assigned by the petitioner for his non-appearance, duly supported by affidavit of the advocate, which is not opposed by the respondents present in the Court, I am of the opinion that there was sufficient cause for</p>	

आदेश पत्रक

M.C.C. No. 346 सन् 2006

मामला क्रमांक

विरुद्ध

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आदेश का दिनांक/आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Kvr	his non-appearance when the case was called out for hearing. Therefore, the application is allowed and W.P. No. 709/2006 is restored to its original number.	Sd/- V.K.Shrivastava Judge