



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

**M.C.C.NO. 73 /2005**

**SINGLE BENCH**

**APPLICANT/APELLANT**

: / Sadaram, s/o Sukhram,  
aged about 82 years, resident  
of village Lailunga, Tah.  
Gharghoda, District Raigarh  
(C.G.)

Vs.

**NON-APPLICANTS/RESPONDENTS:**

- 1) Tikeshwar, s/o Raghunath  
Kotla.
- 2) Munu, s/o Raghunath  
Kotla.
- 3) Giridhari, s/o Raghunath  
Kotla.
- 4) Babulal, s/o Raghunath  
Kotla.
- 5) Moharsi, wd/o Raghunath  
Kotla.

All the residents of village  
Lailunga, Tah, Gharghoda,  
District Raigarh (C.G.)

**APPLICATION FOR RESTORATION OF SECOND APPEAL**

**NO.249/1988**

## आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><b>31-8-2006</b></p> <p>Shri B.D. Guru, counsel for the applicants</p> <p>Shri Awadh Tripathi, Advocate for the respondents No. 2 to 4.</p> <p>Heard.</p> <p>This is an application for restoration of Second Appeal No. 249/1988, which was dismissed by this Court on 22-1-2003.</p> <p>Learned counsel for the applicant submits that the second appeal bearing S.A.No. 249/1988 was taken up for hearing on 22-1-2003 and it was dismissed for non-prosecution. He prays for restoration of the Second Appeal to its original number. The application for restoration of Second Appeal is supported by an affidavit of the applicant.</p> <p>Having considered the facts and circumstances of the case, material on record and in view of the decision of Supreme Court rendered in the case of Rafiq and another vs. Munshilal and another (AIR 1981 SC 1400) wherein it has been held that the party should not suffer because of mistake or error of the counsel, the MCC is allowed. The Second Appeal No.249/1988 is restored to its original number.</p> <p>Copy of this order be placed in Second Appeal No. 249/1988.</p> <p>Certified copy as per rules.</p>	<p><b>Sd/-</b> <b>Fakhruddin</b> <b>Judge</b></p>