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Division Bench

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

M.C.C. NO. 572 OF 2011

(Arising out of M.A. (C) NO. 289/2008)

APPLICANT

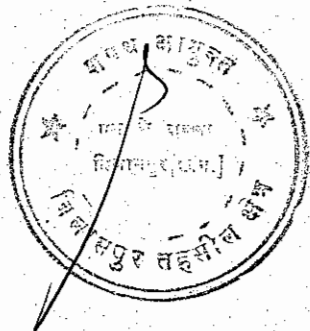
Sanjeev Agrawal, S/o Madan Lal
Agrawal, aged about 41 years,
Transporter, R/o Ramadhin Marg,
District Rajnandgaon (C.G.)

26/2/11
Presented by Shri. P. S. Sharma
dated 16-8-11

VERSUS

NON-APPLICANTS :

1. Hemant Kumar, S/o Sita Ram
Sahu, aged about 37 years, Driver,
R/o Village Saloni, Tahsil Ghumka,
District Rajnandgaon (C.G.)
2. Manish Agrawal, S/o M.L. Agrawal,
aged about 37 years, Bus Owner,
R/o Ramadhin Marg, Rajnandgaon
(C.G.)
3. The New India Insurance Co. Ltd.
through the Branch Manager,
Kamptee Line Rajnandgaon,
District Rajnandgaon (C.G.)



APPLICATION FOR RESTORATION OF M.A.(C) NO. 289/2008
DISMISSED FOR WANT OF PROSECUTION VIDE ORDER DATED



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HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI RAJEEV GUPTA, C.J. &
HON'BLE SHRI N.K. AGARWAL, J.

M.C.C. No. 572 of 2011

Applicant : Sanjeev Agrawal, s/o Madan Lal
Agrawal, aged about 41 years,
Transporter, r/o Ramadhin Marg,
District Rajnandgaon (CG)

VERSUS

Non-applicants 1 Hemant Kumar, S/o Sita Ram Sahu,
aged about 37 years, Driver, R/o Village
Saloni, Tahsil Ghumka, District
Rajnandgaon (CG)

2 Manish Agrawal, S/o ML AGrawal, aged
about 37 years, Bus Owner, R/o
Ramadhin Marg, Rajandgaon (CG)

3 The New India Insurance Co Ltd.,
through the Branch Manager, Kamptee
Line Rajnandgaon, District
Rajnandgaon (CG)

Application for restoration of M.A.(C) No.289 of 2008

Present : Shri VK Sharma, counsel for the petitioner

ORDER

(30th August, 2011)

The following order of the Court was passed by
Rajeev Gupta, C.J.

Shri VK Sharma, learned counsel for the petitioner is heard on
the restoration petition.



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2) The petitioner is seeking restoration of M.A.(C) No.289 of 2008, which was dismissed for want of prosecution vide order dated 02.08.2011.

3) On due consideration of the submissions of learned counsel for the petitioner and the grounds taken in the restoration petition, we are satisfied that the absence of the petitioner's/appellant's counsel on 02.08.2011, when M.A.(C) No.289 of 2008 was taken-up for hearing, was based on *bona fide* grounds.

4) M.C.C. No. 572 of 2011, therefore, is allowed and M.A.(C) No.289 of 2008 is restored to its original number.

Sd/-
The Chief Justice

Sd/-
N.K. Agarwal
Judge