



Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C.No...825.../2011

(Arising Out of Second Appeal No.318/1997)

**APPLICANT
APPELLANT**

1. Bodhan Prasad
Son of Bhagwantin Pathak,
Resident of Kusmi, Tahsil Bemetara
District-Durg (M.P.) Now (C.G.)
(Died on 01-03-2011)
2. Kamal Narayan, Aged 32 years
(at present 64 years)
S/o Late Bodhan Prasad Pathak
3. Prem Kumar, Aged 28 years
(at present 58 years)
S/o Late Bodhan Prasad Pathak
4. Krishna Kant, Aged 24 years
(at present 56 years)
S/o Late Bodhan Prasad Pathak
5. Ramakant, Aged 22 years
All resident of House No. 12/340,
Gole Bazar, Telepara Ward, Raipur,
Tahsil and District Raipur (C.G.)
(Died on 06-07-2003)
6. Smt. Leelabai, wife of Jagdish Pathak,
Resident of Kusmi, Tahsil Bemetara,
District- Durg (C.G.) (Dead)
Through Legal Resubstituted
vide order Dated 16-12-96
Smt. Subhadra Dubey, widow of
Baban Prasad Dubey, daughter of Jagdish
Pathk, Resident of Village-Kusmi,
Tahsil Bemetara, District-Durg (C.G.)
7. Ramadhar, Son of Mahanlal Pathak
Aged 55 Years, (Dead)
Resident of Village-Kusmi Tahsil Bemetara
District- Durg (M.P.) Now (C.G.)

**RESPONDENT
NON APPLICANT**

Smt. Triveni, wife of Shivratan Pathak,
Aged 65 years, resident of village Kusmi
Tahsil Bemetara, District-Durg (C.G.)

**APPLICATION UNDER ORDER 41 RULE 11(2) READ WITH
RULE-19 OF THE CODE OF CIVIL PROCEDURE FOR
RESTORATION OF SECOND APPEAL No. 318 of 1997, WHICH
WAS DISMISSED ON 06/07/2011 IN DEFAULT FOR NON-
PROSECUTION**

The Applicant/Appellant named above, submits as under:-



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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.C. 825/11 ... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश |
|------------------------------------|---|--|
| | <p><u>Hon'ble Shri Prashant Kumar Mishra, J.</u> <u>30.11.2011</u></p> <p>Shri J.N. Nande, counsel for the applicant.</p> <p>Heard on I.A. No.1 for condonation of delay in filing the restoration application.</p> <p>For the reasons assigned in application, this court is satisfied that the applicant has been able to explain the delay in filing the restoration application.</p> <p>I.A. No.1 for condonation of delay is allowed.</p> <p>Also heard on application for restoration of S.A. No. 318/1997, which was dismissed for want of prosecution on 6/07/2011.</p> <p>On due consideration and for the reasons mentioned in the restoration application, this MCC is allowed.</p> <p>The order dated 6/07/2011 is recalled.</p> <p>S.A. No. 318/1997 is restored to its original number.</p> | |

Sd/-
Prashant Kumar Mishra
Judge

4/12/11