

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

M.C.C. NO. 87 OF 2013  
(Arising out of writ Appeal No. 43 of 2012)

**Division Bench**

**APPELLANTS/**

1. State of Chhattisgarh the  
Principal Secretary, Department  
of Transport D.K.S. Bhavan Govt. of  
Chhattisgarh, Chhattisgarh  
Secretariat (Mantralaya) Raipur C.G.

2. Managing Director, C.I.D.C.  
(Parivahan Vibhag) Shastri Chowk,  
Raipur C.G.

R. No. 87/13  
Presented by Shri. S.K. A.K.  
dated 6/2/13

**V E R S U S**

**RESPONDENT**

1. D.D. Rai,  
S/O Late K. Rai , Aged about 60  
years, Occupation - VRS Rtd.  
U.D.C., from Bilaspur Depot on  
31.01.2003 R/O - Karbala Road,  
Kashyap Colony, Bilaspur (C.G.).

2. The M.P. Road Transport  
Corporation through its Managing  
Director, H.O.  
Habibganj, Bhopal (MP) 462001



**APPLICATION FOR RECALLING OF ORDER DATED 15/03/2012 IN  
WRIT APPEAL NO. 43 OF 2012 AND RESTORATION/RESTUTION  
OF THE APPEAL**



12

**HIGH COURT OF CHHATTISGARH, BILASPUR**

D.B.: HON'BLE MR. SUNIL KUMAR SINHA &  
HON'BLE MR. RADHE SHYAM SHARMA, JJ.

M.C.C. NO. 87 OF 2013

APPLICANTS

State of Chhattisgarh & Another.

*Versus*

RESPONDENTS

D.D. Rai & Another.

**APPLICATION FOR RECALLING OF ORDER AND RESTORATION**

Appearance:

Mr. Akhil Mishra, Dy. Govt. Advocate and Mr. Majeet Ali, Advocate for the respective Appliants.

**ORDER**

**(22.03.2013)**

Heard on I.A. No. 01/2013.

This is an application for condonation of delay in filing the M.C.C.

On due consideration of the submissions made by counsel for the Applicants and the grounds taken in the application, we are satisfied that the applicants has shown sufficient cause for not filing the M.C.C in time, and the delay in filing the M.C.C deserves to be condoned.

I.A. No. 01/2013 allowed.

Delay condoned.

Heard on M.C.C. No. 87/2013.

The Applicants are praying for recalling the order dated 15<sup>th</sup> of March, 2012 passed in Writ Appeal No. 43/2012 and restoration of the said writ appeal.

Learned counsel for the Applicants submit that the above writ appeal was withdrawn on the wrong impression that another writ appeal relating to the same order was already filed. In fact, it was a bunch of 132 matters, therefore, inadvertently by the above bonafide mistake, the writ appeal was withdrawn. However, later on it was



13

2  
M.C.C. No. 87/2013

found that no writ appeal relating to the said impugned order (subject matter of the writ appeal) was earlier filed.

The application is supported by the suitable affidavit.

On due consideration of the submissions made by counsel for the Applicants and the grounds taken in the application, we are satisfied that the above writ appeal was withdrawn under a wrong impression, therefore, withdrawal order deserves to be recalled.

M.C.C. No. 87/2013, therefore, is allowed. Order of withdrawal dated 15<sup>th</sup> of March, 2012 passed in W.A. No. 43/2012 is recalled. The above writ Appeal is restored to its original number.

Sd/-  
Sunil Kumar Sinha  
Judge

Sd/-  
R.S. Sharma  
Judge