

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI**

ON THE 28th OF APRIL, 2023

MISC. CIVIL CASE No. 1971 of 2015

BETWEEN:-

1. SMT. SAVITRI BAI W/O LATE SHRI JAGDISH SINGH CHAUHAN, AGED ABOUT 40 YEARS, GUJRATI COLONY CHERITAL WARD JABALPUR (MADHYA PRADESH)
2. DEEPAK CHAUHAN S/O LATE JAGDISH SINGH CHAUHAN, AGED ABOUT 21 YEARS, GUJRATI COLONY, CHERITAL WARD, JABALPUR (MADHYA PRADESH)
3. PRADEEP S/O LATE JAGDISH SINGH CHAUHAN, AGED ABOUT 19 YEARS, GUJRATI COLONY, CHERITAL WARD, JABALPUR (MADHYA PRADESH)

.....APPLICANTS

(BY MS. RAJSHREE JAISWAL - ADVOCATE)

AND

**KISHAN SINGH CHAUHAN S/O CHHIDAMI LAL
CHAUHAN HOUSE NO.1729 KRIPAL CHAUK
GUPTESHWAR RD JABALPUR (MADHYA PRADESH)**

.....RESPONDENTS

(NONE FOR THE RESPONDENTS)

.....
This application coming on for admission this day, the court passed the following:

ORDER

This is an application seeking restoration of FA No.607/2003 which has been dismissed for non-compliance of common conditional order dated 27.06.2014.

The counsel for applicants contends that the certain defects pertaining to payment of process fee within stipulated period, could not be rectified in time. Resultantly, FA No.607/2003 was dismissed for non-compliance of common conditional order.

It is contended by the counsel that the process fee was paid by ordinary mode on 01.05.2014 but the process fee by RAD mode could not be paid. Later on, 03.11.2014, the process fee by RAD mode was also paid but on account of peremptory order dated 27.06.2014, FA No.607/2003 was dismissed by the Registry. Thus, the counsel submits that the FA No.607/2003 be restored to its original number while condoning the delay.

There is no appearance on behalf of the respondent even in the second round.

Upon taking into consideration, the application for condonation of delay which is supported by affidavit of the counsel, the same is allowed.

Upon taking into consideration, the application for restoration which is supported by affidavit of the counsel, the same is also allowed.

Let FA No.607/2003 be restored to its original number subject to verification of the removal of defect as regards the payment of process fee by the petitioner by Ordinary mode on 01.05.2014 and by RAD mode on 03.11.2014.

With the aforesaid, MCC stands allowed/ disposed of.

(MANINDER S. BHATTI)
JUDGE

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