IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE MANINDER S. BHATTI

ON THE 16th OF FEBRUARY, 2023

MISC. CIVIL CASE No. 334 of 2023

BETWEEN:-

1. **LALAN YADAV S/O BABAI YADAV, AGED ABOUT 60 YEARS, OCCUPATION: BUSINESS VILLAGE PIPARKHED POST KARAILA P.S. MORVA TEHSIL CHITRANGI DISTRICT- SINGRAULI, M.P. (MADHYA PRADESH)**

2. **RAJSAJAN YADAV S/O LALAN YADAV, AGED ABOUT 26 YEARS, OCCUPATION: SELF EMPLOYED R/O VILLAGE PIPARKHAD, POST KARAILA, POLICE STATION MORVA, TEHSIL CHITRANGI, DISTRICT SINGRAULI (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI R.K. PATHAK - ADVOCATE)

AND

1. **RAMGATI VANSHAL S/O MANDHARI VANSHAL, AGED ABOUT 42 YEARS, OCCUPATION: FARMER/LABOUR VILLAGE SAGNARA POST OFFICE DARBARI P.S. CHITRANGI DISTRICT- SINGRAULI, M.P. (MADHYA PRADESH)**

2. **BRANCH MANAGER, NATIONAL INSURANCE COMPANY LIMITED BRANCH OFFICE WAIDHAN, DISTRICT SINGRAULI (MADHYA PRADESH)**

.....RESPONDENTS

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

ORDER

This is an application seeking restoration of MA No.1923/2022 which has been dismissed for non-compliance of peremptory order dated 04.07.2022.

Signature Not Verified
Signed by: SHUBHAM THAKKER
Signing time: 2/20/2023 3:02:29 PM

Learned counsel for applicant contends that there was default pertaining to deficit court fee which could not be rectified within stipulated period and resultantly, MA No.1923/2022 was dismissed for non-compliance of peremptory order.

It is contended by counsel that as the applicant could not be communicated regarding factum of defect thus, the same could not be cured within stipulated period and, therefore, the delay occasioned in filing of the application being bona fide and inadvertent, deserves to be condoned.

Upon taking into consideration, the contents of I.A. No.2493/2023 which is supported by an affidavit of the applicant, the same is allowed. Delay is condoned.

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

Let MA No.1923/2022 be restored to its original number subject to removal of defect within 15 days from today.

Office is directed to verify the factum of removal of defect.

With the aforesaid, MCC stands allowed/ disposed of.

(MANINDER S. BHATTI)
JUDGE

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Signature Not Verified
Signed by: SHUBHAM THAKKER
Signing time: 2/20/2023 3:02:29 PM