IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ATUL SREEDHARAN

ON THE 22nd OF SEPTEMBER, 2022

MISC. CIVIL CASE No. 1053 of 2022

BETWEEN:-

MAHENDRA KUMAR BIYAR S/O SHRI NETLAL BIYAR, AGED ABOUT 30 YEARS, R/O VILLAGE BADOKHAR POLICE STATION BARGAWAN, POST-BARGAWAN, DISTT. SINGRAULI, (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ARVIND KUMAR TIWARI, LEARNED COUNSEL)

AND

1. **MAMTA SINGH W/O LATE MAHENDRA KUMAR SINGH, AGED ABOUT 20 YEARS,**

2. **SHIVANI SINGH D/O LATE MAHENDRA KUMAR SINGH, AGED ABOUT 3 YEARS,**

3. **SATYAM SINGH S/O LATE MAHENDRA KUMAR SINGH, AGED ABOUT 6 YEARS,**

4. **SMT. RITA SINGH W/O SHRI RAMRAJ SINGH, AGED ABOUT 45 YEARS,**

ALL RESPONDENTS ARE R/O VILLAGE PADRI, POLICE STATION BAHRI, POST PADRI, DISTRICT SIDHI (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI PRASHANT SINGH BAGHEL, LEARNED COUNSEL)

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

ORDER

The present application has been filed for restoration of M.A. No.1292/2016, which was dismissed for non-compliance of common conditional order dated 30.04.2019. Pursuant to which, the order of Registrar

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Signed by: POONAM MANEKAR
Signing time: 9/23/2022 4:35:11 PM

(J-1) dated 18.06.2019 dismissed the appeal without reference to Board.

There is a delay of 1022 days in filing the present application for restoration.

Learned counsel for the respondents has vehemently opposed the restoration.

However, in view of what has been stated in the application for restoration, notwithstanding the objection of the learned counsel for the respondents, I.A. No.4738/2022 is allowed and delay of 1022 days is hereby condoned subject to payment of cost of **Rs.2,500/-** being imposed upon the applicant, which shall be deposited in the High Court Legal Services Committee within a period of 30 days from today.

In view of the submissions made in paragraph Nos.2 & 3 of the application, this MCC is allowed.

Thus, M.A. No.1292/2016 is restored to its original position.

Accordingly, this MCC stands finally **disposed of**.

(ATUL SREEDHARAN)
JUDGE

pnm

Signature Not Verified
Signed by: POONAM MANEKAR
Signing time: 9/23/2022 4:35:11 PM