IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL

ON THE 15th OF SEPTEMBER, 2023

MISC. CIVIL CASE No. 2059 of 2023

BETWEEN:-

1. **GANESHI BAI W/O LATE SHRI RAKESH KUMAR SINGH, R/O SHOPPING CENTER MAIN ROAD MANTHAR POST BIRSINGPUR DISTRICT UMARIA (MADHYA PRADESH)**

2. **GAUTAM SINGH S/O GANESHI BAI OCCUPATION: MINOR THROUGH THEIR GUARDIAN MOTHER SMT. GANESHI BAI R/O SHOPPING CENTER MAIN ROAD MANTHAR POST BIRSHINGPUR DISTRICT (MADHYA PRADESH)**

3. **VIKRAM SINGH S/O GANESHI BAI OCCUPATION: MINOR THROUGH THEIR GUARDIAN MOTHER SMT. GANESHI BAI R/O SHOPPING CENTER MAIN ROAD MANTHAR POST BIRSHINGPUR DISTRICT (MADHYA PRADESH)**

4. **ARATI SINGH D/O GANESHI BAI OCCUPATION: MINOR THROUGH THEIR GUARDIAN MOTHER SMT. GANESHI BAI R/O SHOPPING CENTER MAIN ROAD MANTHAR POST BIRSHINGPUR DISTRICT (MADHYA PRADESH)**

.....APPLICANTS

(BY SHRI SOMESH SHUKLA - ADVOCATE)

AND

1. **M/S KHITAULI ENGINEERING UMARIA R/O SANJAY GANDHI TAP CENTRE BIRSINGHPURHOUSE NO. S.P.O. MANTHAR BIRSINGHPUR DISTRICT UMARIA (MADHYA PRADESH)**

2. **M.P.E.B THROUGH EXECUTIVE ENGINEER (TED) SANJAYGANDHI TAP CENTER BIRSINGHPUR DISTRICT (MADHYA PRADESH)**

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Signing time: 9/15/2023 8:06:30 PM

.....RESPONDENTS

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

ORDER

Heard on I.A.No.14173/2023, which is an application under Section 5 of the Limitation Act for condonation of delay.

Registry has pointed out that this M.C.C is barred by 3241 days.

For the reasons mentioned in the application, which is supported by the affidavit of Clerk of the counsel, there is sufficient cause for condoning the delay in filing of the M.C.C. As such, delay in filing the M.C.C. is hereby condoned and **I.A.No.14173/2023** is **allowed/closed.**

Heard on the main application.

T h e present application has been filed for restoration of M.A.No.2953/2006, which was dismissed due to non compliance of peremptory order dated 06/08/2014, as default has not been removed.

Considering the averments made in the application, this Court finds that sufficient cause is shown for restoration of the misc. appeal.

Accordingly, MCC is **allowed**.

M.A.No.2953/2006 is restored to its original number.

Counsel for the applicants is also directed to remove the default, if any, within a further period of 15 working days, failing which, the order of dismissal of M.A.No.2953/2006 shall remain intact.

However, it is made clear that the applicants/appellants shall not be entitled for any interest for the period taken in restoration of the misc. appeal.

Interim application(s), if any, shall stand disposed off.

A copy of this order be kept in the file of M.A.No.2953/2006.

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Signed by: PRASHANT BAGJILEWALE
Signing time: 9/15/2023 8:06:30 PM

(DWARKA DHISH BANSAL)
JUDGE

pb

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Signing time: 9/15/2023 8:06:30 PM