

(2018) 08 CHH CK 0075

Chhattisgarh High Court

Case No: MCC No. 474 Of 2018

Gopal Prasad Gupta

APPELLANT

Vs

State Of Madhya Pradesh Amd

RESPONDENT

Ors

Date of Decision: Aug. 3, 2018

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Vijay K. Deshmukh, Majid Ali

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra, J

1. Heard.

2. The original application was transferred to this Court and was listed on 11.3.2008, when learned counsel for the applicant appeared before this

Court and sought time to remove the default. Thereafter, the petitioner was again represented on 2.4.2008, 27.6.2008, 11.7.2008 & 16.3.2009.

However, on 16.3.2009, the matter was transferred to Madhya Pradesh High Court, but later on, it was re-transferred to this Court and thereafter, no

one appeared at the time of hearing.

3. The Vakalatnama was filed by the local counsel for the petitioner in the year 2008, which was continuing.

4. On 13.01.2012, the writ petition was dismissed for want of prosecution and the present restoration application is filed on 11.5.2018 on the ground that the petitioner had no information about re-transfer of the case.

5. Be that as it may, the fact remains that the Vakalatnama filed by the local counsel in the year 2008 is a part of the record and since it is not a case of the applicant that his name was not published in the cause list, delay of 6 years in moving the application for restoration suffers from unexplained delay and latches, therefore, no ground is made out for restoration of the writ petition.

6. Accordingly, the MCC is dismissed.