

ITEM NO.42

COURT NO.16

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 12205/2021

(Arising out of impugned final judgment and order dated 16-12-2020 in MCC No. 547/2020 passed by the High Court of Chhatisgarh at Bilaspur)

MANGLURAM DEWANGAN

Petitioner(s)

VERSUS

SURENDRA KUMAR SINGH & ANR.

Respondent(s)

(IA No. 95109/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 05-12-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Dr. Rajesh Pandey, Sr. Adv.
Mr. Abhishek Pandey, Adv.
Mr. Mahesh Pandey, Adv.
Mr. Chandrika Prasad Mishra, Adv.
Mr. Satish Pandey, AOR
Mr. Prashant Kumar Umrao, Adv.
Mr. Mahesh Kumar Tiwari, Adv.
Ms. Nishi Prabha Singh, Adv.
Ms. Prashasti Singh, Adv.
Ms. Tanuja Manjari Patra, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

These proceedings arise out of a suit instituted by a testator in the year 1989. The testator is said to have willed a property in favour of the petitioner who is the legatee. Testator himself died in the year 1994 and since then, it is the petitioner/legatee who is contesting the case unsuccessfully. This

includes the dismissal of an application for substitution filed by the petitioner in the year 1996, the Appeal as well as the Revision.

This Court by its order dated 04.07.2011 permitted the petitioner to file revision against the order of the trial Court dated 31.08.1996. The said revision was filed before the High Court. However, the same was dismissed for want of prosecution. The petitioner filed an application for restoration. On 10.03.2016, the High Court passed a peremptory order directing curing of the defects and as the same was not attended to, it stood dismissed. The petitioner again filed an application for restoration which came to be dismissed by the order impugned before us.

This Court directed the petitioner to deposit an amount of Rs.1,00,000/- for issuance of notice. We are informed that the said amount was deposited.

Considering the fact that nothing happened in the suit from the time of its institution in the year 1989 and since the suit itself got abated in the year 1996, we see no reason to continue in these proceedings any further. However, we permit the petitioner to adopt such other remedies as are available to him in law.

The amount of Rs.1,00,000/- deposited by the petitioner is permitted to be withdrawn. The High Court of Chhattisgarh may take steps to return the money to the petitioner and the petitioner will be entitled to the amount that has been deposited by him with interest, if accrued.

The Special Leave petition is, accordingly, dismissed.

Pending application(s), if any, shall also stand disposed
of.

(SWETA BALODI)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)