



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 7th OF APRIL, 2025

MISC. CIVIL CASE No. 1174 of 2025

RAJIV SINGH AND OTHERS

Versus

SMT. PUSHPLATA SINGH AND OTHERS

Appearance:

Shri Jitendra Singh Kaurav – Advocate for applicants.

Shri G K Agrawal – Government Advocate for respondent/State.

ORDER

This application, under Order XLI Rule 19 CPC, has been filed for readmission of First Appeal No.367/2006 which was dismissed by this Court for want of prosecution, by order dated 25.03.2025.

2. It is not out of place to mention here that immediately after dismissal of first appeal for want of prosecution on 25.03.2025, counsel for applicants had appeared before the court and prayed for adjournment, however, this Court had requested the counsel for applicants to argue the case as appeal was pending since 2006. In reply, it was submitted by Shri Kaurav that he has no instructions to argue.

3. In this application for readmission of appeal, it is mentioned that at about 01:00 pm a message was received by counsel for applicants that his wife has fallen seriously ill and therefore, he rushed back to his house and again came to



the Court at 02:32 pm, then he came to know about dismissal of appeal for want of prosecution.

4. During the course of arguments, it was fairly conceded by counsel for applicants that immediately within 10 minutes of dismissal of appeal for want of prosecution, he had appeared before the Court and had requested for adjournment and had also refused to argue the appeal. Thus, it is clear that at the time of dismissal of appeal for want of prosecution, counsel for applicants was in the Court premises and after receiving SMS on his mobile regarding dismissal of appeal he immediately rushed to the Court. Accordingly, the contention of counsel for applicants that since his wife had fallen seriously ill, therefore, he went back to his house and came back at 02:32 pm is false. Even no document has been filed to show that counsel for applicants had taken his wife for treatment purposes. The first appeal was pending for the last 18 years and there was an interim order but still counsel for applicants was not ready to argue.

5. Under these circumstances, this Court was left with no other option but to dismiss the appeal for want of prosecution. Reasons which have been assigned by counsel for applicants in this application for readmission of appeal are false even to the knowledge of counsel for applicants.

6. Accordingly, no case is made out for readmission of First Appeal No.367/2006. Application fails and is hereby *dismissed*.

(G. S. AHLUWALIA)
JUDGE