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MCC-2008-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 1st OF JULY, 2025

MISC. CIVIL CASE No. 2008 of 2025

SMT. FARZANA PARVEEN AND OTHERS

Versus

KU. SHAHJAHAN KHAN AND OTHERS

Appearance:

Shri Aarish Hyder - Advocate for the petitioners.

Shri Dr. S.S. Chouhan - Government Advocate for the respondents/State.

ORDER

Per. Sanjeev Sachdeva, Acting Chief Justice

IA No.12508 of 2025

This is an application for condonation of delay of 57 days in filing the present appeal.

For the reasons stated in the application, delay in filing the MCC is condoned and IA stands allowed.

MCC No.2008 of 2025

Petitioners seeks restoration of WA No.2178/2024 that was dismissed for non-compliance of peremptory order dated 22.1.2025.

Learned counsel for the petitioners submit that appellants had filed WA No.2178/2024 before the Hon'ble Court. Said Appeal was listed in the list of default cases on 22.01.2025 before the Court. The counsel for appellants though was duly instructed by the appellants to appear, but due to over sight could not



find the case in the cause list and therefore he could not see the pre-emptory order. Due to non-compliance of pre-emptory order dt.22.01.2025, the case has been dismissed in default on 16.05.2025 by the Registry .

Learned counsel further submits that on 01.05.2025 the counsel for the appellants visited the Registry and found that the WA No.2178/2024 was to be dismissed in default for non-compliance of pre-emptory order dated 22.01.2025. Accordingly certified copy of the Order dated 22.01.2025 was applied on 02.05.2025 which has been delivered on 05.05.2025. Counsel tried to remove the default but due to time boundation, he was not permitted to remove the default. Subsequently the Registry has dismissed the Writ Appeal on 16.05.2025.

In view of the averments made in the petition, order dated 22.1.2025 is set aside. WA No.2178/2024 is restored to its original number.

Petitioner shall cure the defects within one week.

The MCC is disposed of in the above terms.

Registry is directed to place the copy of this order along with the record of WA No.2178/2024.

(SANJEEV SACHDEVA)
ACTING CHIEF JUSTICE

(VINAY SARAF)
JUDGE