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MCC-1710-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 16th OF JULY, 2026

MISC. CIVIL CASE No. 1710 of 2026

N.M DUBASH STONE AND LIME COMPANY PVT. LTD. AND OTHERS

Versus

UNION OF INDIA AND OTHERS

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Appearance:

Shri Tarun Sengar - Advocate for the applicants.

Shri Shri Sanjay Patel - Advocate for the respondents No.1 & 2.
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ORDER

Per. Justice Anand Pathak

Heard on I.A. No.14148/2026, which is an application under Section 5 of the Limitation Act for condonation of delay of 6 days.

2. It is the submission of learned counsel for the applicants that after dismissal of Writ Appeal No.3142/2025 vide order dated 30.04.2026, applicants were under the impression that the application seeking restoration has to be filed within 30 days. However, due to ongoing summer vacation, the same could be filed on 02.06.2026. Since, case bears merits and therefore, deserves to be argued on merits in the interest of justice. Sufficiency of cause is made out.

3. Learned counsel for the applicants referred the judgments of Hon'ble Apex Court in the cases of *Motilal Songara v. Prem Praksh alias Pappu and another*, (2013) 9 SCC 199, *Sheo Raj Singh (Deceased) through Legal Representatives and others v. Union of India and others*, (2023) 10 SCC 531 and



Vishnu Vardhar @ Vishnu Pradhan v. State of Uttar Pradesh and others, 2025

SCC Online SC 1501. Therefore, to address on merits, it is imperative that delay be condoned and the matter be heard on its own merits.

4. Learned counsel for the respondent opposed the prayer and prayed for dismissal of the application.

5. In consideration of application for condonation of delay, sufficiency of cause is the prime consideration. Considering the submissions and looking to the nature of dispute and reasons assigned in the application and as submitted by counsel for applicants, sufficiency of cause is made out, therefore, delay of 6 days in filing the appeal is hereby condoned.

6. I.A. No.14148/2026 stands **disposed of**.

7. Heard on admission.

8. The instant MCC has been preferred by the applicants seeking restoration of Writ Appeal No.3142/2025, which was dismissed for want of prosecution of order dated 25.02.2026 of co-ordinate Division Bench of this Court.

9. Learned counsel for the applicants submits that the dismissal of the appeal was neither deliberate nor intentional, but occurred due to circumstances beyond the control of applicants and the arguing counsel, therefore, the applicants ought not to be made to suffer irreparable prejudice on account of such unavoidable procedural circumstances. Hence, learned counsel for the applicants prays for restoration of W.A. No.3142/2025 to its original number.

10. Heard counsel for the parties and perused the impugned order.

11. The reasons assigned by learned counsel for the applicants appear to be genuine and *bonafide*. Looking to the nature of cause and *bona fide* intents as well as settled law that for the fault of the counsel, the litigant should not be made to suffer (See: AIR 2001 SC 2497, M.K. Prasad Vs. P. Arumugam, 2007 (5) MPHT



470, Dindayal Bansal Vs. Gwalior Nagar Tatha Gram Vikas Pradhikaran), the present application deserves to be and is hereby allowed.

12. At this stage, instead of imposing cost, a suggestion was given to counsel of applicants to visit at **Maa Narmada Vriddh Ashram, Gwarighat, Jabalpur** with some food items/snacks/fruits of Rs.1,000/- (Rupees One Thousand Only) and spend an hour with the inmates/ families, who are of humble background and are being taken care of by the NGO/Society sponsored by State Government. This community service of one hour would not only be satisfying to the soul but would also give a message to the old aged people that society and its members care for them and that they are not considered as the old people of the Lesser God.

13. The said suggestion is not punitive in nature and compliance of it is at the discretion of counsel for the applicants.

14. Graceful enough in their disposition, suggestion is readily accepted by counsel for the applicants and he undertakes that applicants would not only visit the old age home but would also carry some food items of Rs.1,000/- with them and spend one hour time with them to understand them and to satisfy themselves while doing such a pious work.

15. Appreciating the gesture shown by counsel for the applicants with the earnest hope and belief that the counsel would visit the aforesaid place within 15 days from today and spend one hour time with the old people/inmates/ families of the mercy home and bring smile on their face and satisfy their soul. It is expected that any Government Advocate or other advocate may also accompany the counsel for this purpose.

16. This is a test case to give concept of 'Social Audit' a chance to gain grounds. Responsible and Resourceful persons of the Society who are occupying



important positions in the Department of Administration/ Education/ Health/ Legal and other related fields including Professionals like Chartered Accountants/ Doctors/ Lawyers etc., to take some responsibility to visit the places (like orphanage/ old age home/ mercy home/ one stop center etc.) where persons with disability/ orphans/ old age people/ victims of the crime and other destitute are institutionalized so that they can come to know about the plight of these inmates and would be able to contribute while raising their standards of living and to create sense of well-being amongst them. Inmates who are living in such institutions would also feel that they are not left out by the society and the society is still eager to take them into its fold. This way, they would come in the main stream also.

17. Another important effect of the Social Audit is that Management of those Institutions sometime misbehave or cause mischief to the inmates especially children and females living there and this way, they would always be cautious that the society is keeping eyes over their working. Therefore, evolution of concept of Social Audit and its effective implementation is the need of hour. Policy makers especially Department of Women and Child Welfare Development (DWCD), Deptt. of Social Justice and Police Department must come out with some tangible solution in this regard.

18. Therefore, keeping the said spirit, counsel for the applicants is directed to submit a report regarding his visit to **Maa Narmada Vriddh Ashram, Gwarighat, Jabalpur** within fifteen days elaborating their experience and status of old age home with suggestions, if any, in the litigation (W.A. No.3142/2025), which is going to be restored by this order.



19. On submission of the report and affidavit as accepted by counsel for the applicants, W.A. No.3142/2025 shall be restored to its original number. Accordingly, instant application for restoration is allowed subject to compliance of the direction as referred above and Writ Appeal No.3142/2025 is restored to its original number.

20. Copy of this order be kept in the file of W.A. No.3142/2025 for record/compliance purpose.

21. Copy of this order be also sent to the Chief Secretary/ Principal Secretary, Women and Child Development Department, Department of Social Justice and Secretary Juvenile Justice Committee M.P. High Court for information and contemplation.

22. With the aforesaid, the application stands **disposed of**.

(ANAND PATHAK)
JUDGE

(VINAY SARAF)
JUDGE

Divyansh