

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.874 of 2015

In
MA 243 of 2012

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Seema Devi Daughter of Ram Kshore Singh, wife of Sunil Kumar Chaudhary at present residing at Jogiyara, P.S.- Bahadurpur (Fakila O.P.), District-Darbhangha

.... Petitioner

Versus

Sunil Kumar Chaudhary son of Rajendra Chaudhary, resident of Village-Rupauli, P.S- Bisanpur, District- Darbhanga

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Atul Chandra, Advocate

For the Respondent/s : Mr. Md. Kamran, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

3 01-07-2015 Learned counsel for the petitioner is permitted to add the Branch Manager, Oriental Bank of Commerce, Dharba/1220/Darbhangha Branch as opposite party No.2 to the application in the course of the day.

The application has been filed for modification of the order dated 9.7.2014 passed by this Court in M.A. No. 243 of 2012. By the said order this Court recorded the fact that the sole respondent had produced before this Court a Demand Draft for Rs.35,000/- in favour of the appellant which was accepted by learned counsel for the appellant and in view of payment of the said amount the appellant, as submitted, did not wish to press the appeal and the appeal was accordingly dismissed as not pressed.

It is now stated that the appellant-petitioner had been handed over the demand draft after much delay by her counsel in the appeal as a result of which the demand draft dated 30.6.2014 has lapsed by the passage of three months and could not therefore be deposited in her bank account.

In the aforesaid circumstances, the demand draft bearing No. 128135 dated 30.6.2014 issued by Oriental Bank of Commerce, Dharba/1220/Dharbhanga Branch payable at par at all its Branches for Rs.35,000/- in favour of the appellant-petitioner, Seema Devi, needs to be revalidated. The Branch Manager, Oriental Bank of Commerce of the issuing branch is directed to revalidate or issue a fresh demand draft for the said amount in favour of Seema Devi within a period of one week from the presentation of the lapsed demand draft in the branch.

The order dated 9.7.2014 passed in M.A.No. 243 of 2012 is, accordingly, modified to the above extent.

The modification petition is thus disposed of.

(Ramesh Kumar Datta, J)

(Dr. Ravi Ranjan, J)

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