

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4437 of 2013

In

SA 153 of 2007

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Md. Mohiuddin & Ors

.... Petitioner/s

Versus

Md. Wali Hassan & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR

SAHOO

ORAL ORDER

2 17-03-2015 Heard the learned counsel for the petitioner.

This MJC application has been filed after serving the copy of the same on the learned counsel appearing on behalf of the respondent.

The MJC application has been filed for restoration two interlocutory applications which were rejected as not pressed on 28.6.2013 in Second Appeal No.153 of 2007.

The learned counsel for the petitioner submitted that by mistake, the MJC application has been filed instead of filing separate 151 CPC application in the Second Appeal itself but he

has already served the copy of this MJC on the learned counsel appearing on behalf of the respondent in the Second Appeal. Therefore, the learned counsel submitted that the MJC application may be treated as an application in the second Appeal itself and it may be heard.

In view of the aforesaid submission of the learned counsel, the MJC application is allowed and the two interlocutory applications, i.e., I.A. No.6360 of 2009 and I.A. No.6330 of 2010 filed and Second Appeal No.153 of 2007 are restored to its original file.

The MJC application thus stands allowed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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