

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.145 of 2015

In
First Appeal No. 4 of 1990

=====

Most. Kumari Devi & Ors

.... Petitioner/s

Versus

Mahendra Singh & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Ban Bihari Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

5 17-09-2015 Heard learned counsel for the petitioners on the
restoration application.

This restoration application has been filed for
restoration of First Appeal No.04 of 1990 which was dismissed for
default for non-compliance of peremptory order.

From perusal of the record, it appears that the
appellants-petitioners were directed to take steps for appeal notice
on respondents-opposite parties, which was not complied with
and, therefore, the appeal has been dismissed.

The learned counsel for the petitioners submitted that
because of mistake and the fact that the file was in the office of
learned senior counsel Late Ganesh Prasad Singh the order could
not be complied with and he undertakes that necessary requisites
in ordinary process as well as registered post both will be filed

within ten days and he undertakes also that he will file fresh power on behalf of the appellants in the first appeal within the aforesaid period.

In view of the above facts and circumstances of the case, this M.J.C. application is allowed and First Appeal No.04 of 1990 is restored to its original file.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--