

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4356 of 2014

IN

First Appeal No. 276 of 1979

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1. Gautam Deo Singh.
 2. Girjadeo Singh.
Both sons of Late Sukhnandan Singh.
 3. Bishundeo Singh, son of Late Namdeo Singh
 4. Janki Devi, daughter of Late Namdeo Singh.
All resident of Village - Mohamadpur, Police Station - Goreakothi, District – Siwan.

.... Appellants/Petitioners.

Versus

Kapildeo Singh, son of Rajkumar Singh, resident of village - Mohamadpur, Police Station - Goreakothi, District – Siwan.

.... Respondent/Opposite Party.

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Appearance :

For the Petitioners : Mr.

For the Opposite Party : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 03-04-2015

Heard learned counsel for the petitioners.

2. This application has been filed under Rule 28(b) of Chapter-IX Part-II of the Patna High Court Rules, 1916 to refund the amount Rs.2,068/-, which has been deposited by the petitioners for the printing/preparation of the Paper-Book of the First Appeal No.276 of 1979.

3. Learned counsel for the petitioners submits that the petitioners were the appellants in First Appeal No.276 of 1979 in which Rs.16/- was deposited by the petitioners to prepare the Paper-

Book of First Appeal No.276 of 1979. Thereafter, on receiving the notices served upon the petitioners to deposit the estimated cost for the preparing of the Paper-Book of the First Appeal No.276 of 1979, again Rs.2052/- was deposited by the petitioners on 20.09.2006 for the said purpose through Challan but the First Appeal No.276 of 1979 was heard and dismissed on 10.12.2013 without preparation of the Paper Book of the same. As such, the total amount Rs.2,068/-, as deposited by the petitioners is excess in view of the Rule 28(b) of Chapter-IX Part-II of the Patna High Court Rules, 1916, which should be refunded to the petitioners.

4. The records of First Appeal No.276 of 1979 shows that the First Appeal was heard without Paper-Book and dismissed vide Judgment dated 10.12.2013. As such, in view of the submission of the learned counsel for the petitioners and Rule 28(b) of Chapter-IX Part-II of the Patna High Court Rules, 1916, let Rs.2068/-, as deposited by the petitioners for the preparation of the Paper-Book of the First Appeal No.276 of 1979, be returned to the petitioners.

5. Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

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