

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2572 of 2014

In
C.R. 1722 of 2009

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Smt.munni Devi & Anr

.... Petitioner/s

Versus

Smt. Munni Devi & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 01-07-2015

This application has been filed praying for restoration of the C.R. No. 1722 of 2009 which dismissed for default for non-compliance of the order dated 22.02.2012. Another interlocutory application has been filed praying for condonation of delay in filing the restoration application.

From the records and after considering the submissions, it is transparent that by filing C.R. No. 1722 of 2012, the petitioners assailed the order dated 06.07.2009 passed in T.S. No. 579 of 2013 rejecting the prayer of the petitioners for their addition as party defendant in the suit. After the dismissal of the civil revision application for non-compliance of the order, as above said, the present restoration application has been filed on 16.07.2014. The only material plea raised by the petitioners in support of the prayer for restoration is that their advocate did not

inform the petitioners about the order dated 22.02.2012. It has also been stated that the petitioners had no knowledge upto 26.05.2014 regarding the dismissal of the civil revision application for non-compliance and thereafter the deponent suffered from typhoid till 10.07.2014 and so this restoration application was filed on 16.07.2014. It is evident that there are two petitioners and it is not the averment in the restoration application that both of them together suffered from typhoid. The averments in the restoration application depict the casual approach of the petitioners and do not instill confidence.

After considering the entire averments made in the restoration application and submission on behalf of the petitioners, this Court finds that the petitioners have failed to establish sufficient cause for the restoration of the civil revision application.

Accordingly, the restoration application is dismissed.

(V. Nath, J)

Devendra/-

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