

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3014 of 2015

In
Miscellaneous Jurisdiction Case No. 2641 of 2013

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Anita Devi & Ors

.... Petitioner/s

Versus

Div. Manager Oriental Insurance Company Ltd. & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque

For the Respondent/s : Mr. Archana Kumari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 02-12-2015

Heard Mr.Md. Ataul Haque, learned counsel for the
petitioner.

The present petition has been filed for restoring M.J.C.No.2641 of 2013, which stood dismissed on 16.09.2015 due to non-prosecution. M.J.C.No.2641 of 2013 was earlier filed for restoration of M.A. No. 218 of 2012. The said appeal i.e. M.A. No.218 of 2012 was primarily filed for enhancement of the award amount. The learned 1st Addl. District Judge-cum- Claim Tribunal, Samastipur had allowed the claim petition filed by the petitioner and directed the Insurance Company to pay compensation amount of Rs. 2,43,700/- with interest @ 6 % per annum. In this case ,in the accident, death had occurred in the year 1992. After rejection of the Miscellaneous Appeal, due to non-compliance of peremptory order, M.J.C. No.2641 of 2013 was filed for restoring

the same. In the said M.J.C. on 22.01.2014 a peremptory order was passed for removing the defect, which was not removed and, as such, restoration petition i.e. M.J.C.No.2641 of 2013 stood dismissed. Thereafter, one another restoration petition was filed vide M.J.C.No.1342 of 2014 for restoration of M.J.C.No.2641 of 2013, which was allowed on 15.04.2015 by a peremptory order. After the restoration petition i.e. M.J.C.No.2641 of 2013 was restored and listed, it stood dismissed on 16.09.2015 due to non-prosecution. Thereafter, the present petition has been filed for restoring the same on the plea that on the date when the case was taken up, learned counsel for the petitioner failed to appear due to some physical problem.

After examining the material on record, the Court is not satisfied on the reasons assigned in the petition.

The restoration petition stands dismissed.

(Rakesh Kumar, J)

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