

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1687 of 2009

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Ram Ekbal Kabat & Ors

.... Petitioners.

Versus

Ganesh Kebat & Ors

.... Opposite Parties.

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Appearance :

For the Petitioners : Ms. Mallika Mazumdar, Advocate.

For the Opposite Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

5 10-03-2015

Heard learned counsel for the petitioners.

This application has been filed for restoration of Second Appeal No.246 of 2005 which stood dismissed for non compliance of the order dated 10.12.2008 with respect to the appellant no.3 and his heirs.

It appears from the records of Second Appeal No.246 of 2005 that vide order dated 10.12.2008, two weeks' time was allowed to the learned counsel for the appellants to comply the order of the Lawazima Board dated 19.09.2008, failing which this Second Appeal shall stand dismissed without further reference to a Bench with regard to the concerned parties. As the order dated 10.12.2008 passed in Second Appeal No.246 of 2005 to comply the order of the Lawazima Board dated 19.09.2008 was not complied with by the learned counsel for the petitioners, Second

Appeal No.246 of 2005 as against the appellant no.3 and his heirs stood dismissed.

On being satisfied with the reasons assigned in this application, the same is allowed and Second Appeal No.246 of 2005 with respect to the appellant no.3 and his heirs is restored to its original file and number subject to the condition that the order dated 19.09.2008 passed in Second Appeal No.246 of 2005 by the Lawazima Board is fully complied with within a period of three weeks.

(Rajendra Kumar Mishra, J)

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