

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2743 of 2015

In
First Appeal No. 301 of 1986

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Shri Daroga Singh & Anr

.... Petitioner/s

Versus

Ram Nath Singh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh

For the Respondent/s : Mr. Barun Kumar Choudhary

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 05-11-2015 Heard the learned counsel, Mr. Surendra Kumar Singh, on behalf of the petitioner and the learned counsel, Mr. Barun Kumar Chaudhary, for the sole opposite party.

This MJC application has been filed for restoration of First Appeal No.301 of 1986 which was dismissed for default.

According to the learned counsel for the appellant, the learned counsel who was appearing on behalf of the appellant during that period had gone to Nagpur for treatment purpose, therefore, when the First Appeal was called on for hearing, he could not appear.

On the other hand, the learned counsel appearing on behalf of the opposite party vehemently opposed the prayer for restoration of the First Appeal.

In view of the submission of the learned counsel for the

petitioner, I am satisfied that the petitioners were prevented by sufficient cause from not appearing when the First Appeal No.301 of 1986 was called on for hearing. Accordingly, this MJC application is allowed and First Appeal No.301 of 1986 is restored to its original file.

The First Appeal itself may be listed for hearing again.

(Mungeshwar Sahoo, J)

Sanjeev/-

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