

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1692 of 2015

In
MA 101 of 2010

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1. Kumar Ranjan @ Chunchun Son of Late Baijnath Sinha resident of
Village / Mohalla - Ramdeo Nagar South of V.M.H.E. High School,
Police Station - Siwan Muffasil, District - Siwan

.... Petitioner/s

Versus

1. Smt. Pushpa Sinha Daughter of Late Nagendra Prasad Roy resident of
Mohalla - Mahadeo Puram Building No. B - 13 - 14, P.O. Kuraghat,
Police Station Cant Gorakhpur, District - Gorakpur, State Uttar Pradesh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Yogendra Prasad Sinha, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 04-11-2015

Ref: I.A. No.5797 of 2015

I.A. No. 5797 of 2015 has been filed by the petitioner,
under Section 5 of the Limitation Act, seeking condonation of
delay of 9 days in preferring the present Misc. application against
the order, dated 30.01.2015, passed by the learned Single Judge in
M.A. No. 101 of 2010.

Heard Mr. Ajay Kumar Tiwary, learned Counsel,
appearing on behalf of the petitioner, and Yogendra Prasad Sinha,
learned counsel for the Opposite Party.

Having considered the reasons assigned in the present

petition seeking condonation of delay and having heard the learned counsel for the parties, this Court is satisfied that the petitioner was prevented by sufficient causes from preferring this Misc. application within time.

In view of the above, the delay of 9 days, in preferring the Misc. application, is hereby condoned.

I.A. No. 5797 of 2015 stand disposed of.

MJC No.1692 of 2015

By making this Misc. application, the applicant has sought for restoration of M.A. No. 101 of 2010, which was dismissed for default on 30.01.2015.

Heard Mr. Ajay Kumar Tiwary, learned Counsel, appearing on behalf of the petitioner, and Yogendra Prasad Sinha, learned counsel for the Opposite Party.

Having considered the averments made in the application and having heard the learned counsel for the parties, we are satisfied that the absence of the applicant and/or his counsel from the Court on 30.01.2015 was for reasons beyond their control.

In view of the above and in the interest of justice, the order, dated 30.01.2015 aforementioned, is hereby set aside and M.A. No. 101 of 2010 aforementioned is hereby restored to its

original file.

This Misc. Case shall accordingly stand disposed of.

Let M.A. No.101 of 2010 be listed accordingly.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

Mkr./-

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