

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.520 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 9979 of 2013

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Ashwani Kumar Gupta @ Ashwani Kumar son of Late Badri Nath Gupta,
Resident of D.T. Road, Gola Mohalla, Post office and Police Station- Ara
Town, District- Bhojpur.

.... Petitioner/s

Versus

1. Baidyanath Prasad Gupta, Son of Late Badri Nath Gupta, resident of Mitra Compound, Boring Road, Police Station- Budha Colony, District- Patna.
2. Sushil Kumar Gupta son of Late Badri Nath Gupta.
3. Renuka Gupta, wife of Shri Shushil Kumar Gupta.
4. Arun Kumar Gupta.
5. Raj Kumar Gupta. Both sons of Late Badri Nath Gupta. All resident of Kashipuri Market D.T. Road, Police Station - Ara Town, District- Bhojpur.
6. Prakash Kumar Gupta, son of Late Badri Nath Gupta, resident of Gurhatti Gali, Devi Sthan, Ara, Police Station- Ara Town, District- Bhojpur.
7. Mostt. Madhuri Devi wife of Late Vijay Kumar Gupta.
8. Anand Vishal
9. Ajay Vishal. Both are son of late Vijay Kumar Gupta and all are residents of Mahabir Tola, Ara, Police Station- Ara Town, District- Bhojpur.
10. Mostt. Savitri Devi wife of Late Vishwanath Prasad Gupta @ Chhote Lal, resident of Gurhatti Gali, Devi Sthan, Ara, Police Station- Ara Town,

District- Bhojpur presently resident of C/o Raj Kumar Gupta, Kashipuri Market, D.T. Road, Ara, Police Station- Ara, District- Bhojpur.

11. Vishwanath Prasad @ Bhola Jee.

12. Om Prakash Gupta.

13. Anil Kumar Gupta. All sons of Late Kedar Nath Gupta, resident of Gurhatti Gali, Devi Sthan, Ara, Police Station- Ara Town, District- Bhojpur.

14. Dilip Kumar Singh son of Dina Nath Singh, resident of Mohalla- Awadhपुरi, Pakai, Ara, Police Station- Ara Town District- Bhojpur.

.... Opp. Party/s

Appearance :

For the Petitioner/s :

For the Opp. Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 29-07-2015

Heard learned counsel for the parties.

The present application seeks restoration of C.W.J.C. No. 9979 of 2013 which was dismissed on 15.11.2013 for non-compliance of the peremptory order dated 24.10.2013.

Learned counsel for the petitioner submits that by order dated 15.11.2013, the Court had granted peremptory time of three weeks for taking steps for issuance of notice upon respondent no. 1 but due to mistake of the office of the learned

advocate, the same could not be complied. It is submitted that this fact was detected only when I.A. No. 1138 of 2014 was filed and was not being listed. It is further submitted that the order dated 24.10.2013 was complied with on 30.01.2015.

In view of the aforesaid, this Court finds that sufficient cause has been shown for not complying with the order dated 24.10.2013 in C.W.J.C. No. 9979 of 2013 in time.

Accordingly, the application stands allowed. C.W.J.C. No. 9979 of 2013 stands restored to its original file and number.

The office shall issue notice as per the direction given in order dated 24.10.2013 forthwith.

(Ahsanuddin Amanullah, J)

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