

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1722 of 2015

In
SA 100 of 2002

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Mahendra Singh

.... Petitioner/s

Versus

Ramjee Kuer & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar @ Ravindra Kr Rai

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 10-08-2015 Perused the record of the Second Appeal No.100 of 2002.

By terms of order dated 03.09.2013, the appellant was directed to serve the copy of I.A. No.3603 of 2006 to the other side. According to the subsequent office note, it appears that for non-compliance of the said peremptory order dated 03.09.2013 instead of dismissing the I.A., the office has dismissed the admitted Second Appeal. In my opinion, it is wrong order. For non-compliance of the peremptory order, the I.A. should have been rejected and not the admitted Second Appeal. Therefore, the order dismissing the Second Appeal is hereby set aside. The Second Appeal No.100 of 2002 is restored to its original file.

The learned counsel for the petitioner submitted that copy of the I.A. has already been served on the other side in

compliance of the peremptory order.

In such view of the matter, this M.J.C. application is allowed and Second Appeal No.100 of 2002 is restored.

(Mungeshwar Sahoo, J)

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