

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 3154 of 2015

In
Second Appeal No. 176 of 2009

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Bibi Bakridan

.... Petitioner/s

Versus

Md. Jalaluddin @ Jagat Mian

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw

For the Opp. Party/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 16-12-2015 Heard Sri Kumud Kumar Shrivastaw, learned counsel
for the petitioner.

The present petition has been filed with a prayer to restore Second Appeal No. 176 of 2009, which stood dismissed due to non-compliance of order dated 07-08-2014 passed in M.J.C. No. 6178 of 2013. Earlier, the Second Appeal No. 176 of 2009 was dismissed due to non-compliance of peremptory order, which was directed to be restored by order dated 07-08-2014 passed in restoration petition i.e. M.J.C. No. 6178 of 2013. The order in restoration petition was peremptory to the extent that the petitioner was required to deposit the deficit court fees within a period of four weeks from the date of order i.e. 07-08-2014. The office has reported that the deficit court fees were not deposited in time and as such, it stood dismissed.

In paragraph – 4 of the petition, a submission has been made that due to unavoidable circumstances, it was not deposited earlier, but same has been deposited on 27-10-2015. Meaning thereby that deficit court fee was deposited after the peremptory time.

In view of facts and circumstances as well as explanation given in the petition, the Second Appeal No. 176 of 2009 be restored to its original file, provided the deficit court fee was already filed/deposited.

(Rakesh Kumar, J.)

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