

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4236 of 2014

In
Civil Writ Jurisdiction Case No. 4527 of 2013

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Harihar Rai

.... Petitioner/s

Versus

Kamal Mishra & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 12-08-2015

Heard Sri Awadhesh Kumar Singh, learned counsel for the petitioner.

Earlier Civil Review no. 33 of 2012 stood dismissed due to non-compliance of peremptory order dated 01.03.2013 i.e. requisites for issuance of notice to legal heirs of Opp.Party no.9 was not filed. Thereafter, restoration was filed by the petitioner vide M.J.C. No.4527 of 2013. The said restoration petition was allowed on 22.07.2014 provided requisites for issuance of notice to legal heirs of Opp.Party no.9 was filed within two weeks, failing which Civil Review no.33 of 2012 was directed to be dismissed without further reference to a Bench.

Learned counsel for the petitioner submits that in compliance with order dated 22.07.2014 passed in M.J.C.No. 4527 of 2013, the petitioner due to inadvertence instead of filing

requisites in Civil Review No.33 of 2012 filed the same in M.J.C.No.4527 of 2013. Learned counsel for the petitioner submits that it was a bona fide mistake.

Accordingly, the present restoration petition is allowed and Civil Review No.33 of 2012 is directed to be restored provided the petitioner files requisites in view of earlier order for issuance of notice to legal heirs of Opp.Party no.9 within a period of four weeks.

Notice to go through ordinary post as well as registered cover with A/D, for which requisites etc. must be filed within four weeks, failing which the Civil Review no.33 of 2012 shall stand dismissed without further reference to a Bench.

(Rakesh Kumar, J)

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