

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3693 of 2014

In
SA 142 of 2013

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Nakchattra Singh & Ors.

.... Petitioner/s

Versus

Panchlal Singh & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-04-2015 Heard the learned counsel for the petitioner.

This MJC application has been filed for restoration of Second Appeal No.142 of 2013 which was dismissed for default for non-compliance of the peremptory order.

Because of the fact that this MJC application is barred by law of limitation, a separate limitation application has been filed. Since the respondents were not noticed in Second Appeal, no notice is necessary to be issued in limitation matter in this MJC application. Accordingly, the delay in filing the MJC application is condoned.

In view of the submission made by learned counsel for the petitioner and the statements made in the MJC application, this MJC application is allowed and Second Appeal No.142 of 2013 is restored to its original file. The petitioner shall remove the defect

in the Second Appeal within two weeks as submitted by learned
counsel for the petitioner.



(Mungeshwar Sahoo, J)

Sanjeev/-

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