

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3771 of 2014
In
MA 854 of 2012

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Sharwan Kumar & Anr
..... Petitioners

Versus

Bijan Yadav & Anr
..... Respondents

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

3 23-06-2015 Learned counsel for the petitioners submits that the peremptory order dated 5.9.2014 passed in Misc. Appeal No.854 of 2012 could not be complied with on account of illness of learned counsel for the appellants and non-marking of the list by the clerk but subsequently except defect No.3, the other defects have been removed. He further submits that the said defect will be removed within a reasonable period, if the appeal is restored to its original file.

In the facts and circumstances of the case, Misc. Appeal No.854 of 2012 is directed to be restored to its original file subject to the petitioners complying with the order dated 5.9.2014 within a period of two weeks from today.

The restoration application is allowed subject to the aforesaid condition.

V.P.Sinha/-

(Ramesh Kumar Datta, J)

(Anjana Mishra, J)

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