

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.310 of 1990

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Balram Mishra, son of Ram Sagar Mishra, resident of village Patore, P.S. & District-Darbhangha.

.... Petitioner/s

Versus

Laloo Mishra and Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Jha-Sr. Advocate
Mr. Sanat Kumar Mishra--Advocate

For the Respondent/s : Mr. Ratan Kumar Kumar-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

13 18-02-2016

Heard learned counsel for the petitioner as well as

learned counsel for the respondents.

At an initial stage while First Appeal No.500 of 1984 was drawn up at the end of petitioners, same was found duly eclipsed by limitation whereupon petition under Section 5 of the Limitation Act was filed, moved, allowed, subject to cost appertaining to Rs.250/- vide order dated 18.08.1989. As, the aforesaid amount was not paid whereupon the F.A. No.500 of 1984 met with ultimate consequence.

It has been submitted on behalf of petitioners that this matter being pending since 1990 itself punished the petitioners more than in proportion to the laches on their part. It has also been submitted that reason has already been detailed over non-compliance of the order. As such, the same be allowed.

Learned counsel for the respondents vehemently

opposed.

Considering the rival submission as well as taking into account the conduct of the parties, F.A. No.500 of 1984 is directed to be restored to its original status, subject to payment of Rs.3,000/- (Rs. Three thousand), which should be deposited within three weeks, apart from deposit of cost of Rs.250/- as inflicted at an earlier occasion vide order dated 18.08.1989, which the petitioner is directed to deposit.

With the aforesaid terms, M.J.C. No.310 of 1990 is allowed.

(Aditya Kumar Trivedi, J)

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