

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1543 of 2016

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Bal Manohar Jalan

.... Petitioner

Versus

Asharfi Rai & Ors

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 03-08-2016

This restoration application has been filed for restoration of Civil Revision No.173 of 2012 in so far as it stands dismissed as against opposite party nos.2, 3, 41 and 47 for non-compliance of the order dated 18.3.2013 as modified vide order dated 1.5.2013 whereby time was granted to the petitioner for filing a substitution petition. The order was peremptory in nature and thus due to its non-compliance, the Civil Revision application stood dismissed as against deceased opposite party nos.2, 3, 41 and 47.

Office reports that the petitioner did file a substitution petition bearing I.A. No.5406 of 2013 albeit on 7.8.2013 i.e. after the expiry of the peremptory period. The petitioner has also filed I.A. No.4982 of 2015 for appropriately modifying the order dated 1.5.2013, explaining the reason for the delay in its compliance.

Having heard Mr. Sameer Kumar Singh, learned counsel for the petitioner and considering the reasons assigned in this application explaining the delay, the peremptory period granted vide order dated 18.3.2013 as modified vide order dated 1.5.2013 passed on I.A. No.2793 of 2013 stands further extended until 7.8.2013, i.e., the date of filing of the substitution petition vide I.A. No.5406 of 2013 in respect of opposite party nos.2, 3, 41 and 47 and as a consequence, the Civil Revision No.173 of 2012 stands restored to its file as against the opposite party nos.2, 3, 41 and 47.

This application is allowed.

(Jyoti Saran, J)

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