

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.883 of 2016**

=====

Rama Shankar Singh

.... Appellant/s

Versus

Phulchand Yadav & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Jai Prakash Verma

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 22-10-2016

Heard learned counsel for the petitioner.

Perused the order dated 08.09.2014 passed in
Miscellaneous Case No.01 of 2012 by A.D.J.-IV, Jehanabad
arising out of Title Appeal No.05 of 2004/16 of 2012.

From perusal of the impugned order, it appears that the
court below finding sufficient cause for not appearing when the
appeal was called on for hearing has set aside the order dismissing
the title appeal for default and has allowed miscellaneous case
filed under Order 41 Rule 19 of the Code of Civil Procedure.
Therefore, when the order has been passed by the court below
whereby the title appeal has been restored to its original file, in my
opinion, no prejudice is caused to the petitioner nor it occasioned
failure of justice. Thus, I find no reason to interfere with the
impugned order.

Accordingly, this civil miscellaneous application is
dismissed.

Harish/-

U			
---	--	--	--

(Mungeshwar Sahoo, J)