

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3513 of 2015

In
SA 193 of 2005

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1. Mishri Sharma
2. Sheo Pujan Sharma
3. Sheo Narayan Sharma All are sons of Ram Nath Sharma residents of village : Kochas, P.S. Kochas, District : Rohtas.

.... Petitioner/s

Versus

1. Paras Nath Sharma Son of Kishun Sharma Resident of Village - Dinara, P.S. Dinara, District : Rohtas.
2. Ghuriya Devi Daughter of Kishun Sharma and wife of late Nagina Sharma Resident of Village and P.O. Barkagawan, P.S. Sikraul, District : Buxar.

.... Opp. Parties- Respondents

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Appearance :

For the Petitioner/s : Mr. Satish Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 16-03-2016 Heard Mr. Satish Kumar in support of the application which seeks restoration of Second Appeal No. 193 of 2005 to its original file and number by modifying/recalling the order dated 10.09.2014.

Earlier steps was taken for service of notice on respondent no.2 (Ghuriya Devi). The service report indicates that she was dead. However, the appellant was required to clarify on this aspect for which under order dated 10.09.2014 two weeks' peremptory time was allowed.

It has been submitted that the said Ghuriya devi had

already died and the petitioner despite efforts could not find sufficient material to clarify the same although as per the office note(s) of the office in S.A. No. 193 of 2005 she was found dead as reflected in the service report . It is submitted that Ghuriya Devi had died leaving behind some heirs and legal representatives who now need to be substituted.

Considering the facts and circumstances of the case, the order dated 10.09.2014 passed in Second Appeal No. 193 of 2005, is recalled and the appeal is restored to its original file and number, subject to deposit of a cost in the sum of Rs. 400/- (Four Hundred) with the Patna High Court Legal Services Committee and filing receipt thereof on or before 29th of March, 2016.

(Kishore Kumar Mandal, J)

Shyam/-

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