

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2056 of 2014

In
First Appeal No. 161 of 1980

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1. Baisakhi Devi, Daughter of Late Janardan Chaubey
 2. Shanti Devi, Daughter of Late Janardan Chaubey
 3. Krishna Devi, Daughter of Late Janardan Chaubey
 4. Buchani Devi, Daughter of Late Janardan Chaubey
 5. Santosh Devi, Daughter of Late Janardan Chaubey
 6. Sudama Chaubey, Son of Late Janardan Chaubey
 7. Shushila Kuer, widow of Late Ahodhya Chaubey
 8. Shilpi Kumari
 9. Chhoti Kumari
- minor daughters of Late Ayodhya Chaubey
10. Ujawal Pratap Chaune, minor son of Late Ayodhya Chaubey
- all minors are under the guardianship of their guardian Mother Shushila Kuer
11. Dilip Chaubey @ Dilip Kumar Chaubey, Son of Late Janardan Chaubey
- All residing at village & P.O. Nikhata, Police Station - Raghunathpur, District - Siwan

.... Petitioner/s

Versus

Prabhunath Chaubey, Son of Late Janakdeo Chaubey, resident of village - Nikhata, Police Station - Raghunathpur, District - Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Shankar Sharan Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 29-06-2016

Heard.

The present MJC application has been filed on behalf of the appellants of First Appeal No.161 of 1980 seeking restoration of the aforesaid First Appeal No.161 of 1980, which stood dismissed for want of prosecution by an order dated 15.05.2014.

By an order dated 17.12.2014, notice was issued to the sole opposite party, who has entered appearance through his counsel, but no counter affidavit has been filed on his behalf

controverting the averments made in the present MJC application.

In above view of the matter and for the reasons disclosed in the present MJC application, the prayer for restoration is allowed. First Appeal No.161 of 1980 is directed to be restored to its original file subject to deposit of costs of Rs.5000/- by the petitioners within a period of six weeks from today with the Patna High Court Legal Services Committee.

If the costs is deposited by the petitioners within the time prescribed and receipt/document is filed in support thereof, the aforesaid First Appeal No.161 of 1980 shall stand restored, failing which the present MJC application shall be construed to have been dismissed on account of non-compliance of the Court's peremptory order.

If the present order is complied with by the petitioners, then the aforesaid First Appeal No.161 of 1980 shall be listed before the appropriate Bench, as per roster, and shall no longer be treated as part-heard or tied-up matter to this Bench.

The present MJC application stands allowed to the extent indicated as also with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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