

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4717 of 2014

In
SA 373 of 2009

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Sohagwati Devi

.... Petitioner/s

Versus

Risali Mahto & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 20-04-2016

Heard.

The present petition has been filed for restoring Second Appeal No. 373 of 2009, which stood dismissed due to non-compliance of the order dated 2.7.2014 passed in MJC No. 2199 of 2013 whereby while directing for restoring Second Appeal No. 373 of 2009 it was directed to comply the order dated 6.4.2010 passed in S.A. No. 373 of 2009 within four weeks. Since the order dated 2.7.2014 was not complied with within time the Second Appeal stood again dismissed. It has been stated in the petition that within the time fixed by this Court learned counsel for the petitioner tried to remove the defects and filed inspection slip whereby on 24.7.2014 office informed that the file of S.A. No. 373 of 2009 had not been returned. Thereafter, again learned counsel for the petitioner tried to comply the order, but all efforts

went in vain and in the meanwhile, peremptory time of four weeks expired.

After hearing learned counsel for the petitioner and considering the grounds set forth in the petition, this petition is allowed.

Let S.A. No. 373 of 2009 be restored to its original file extending the time to comply the order dated 6.4.2010 passed in S.A. No. 373 of 2009 by a further period of six weeks from today, failing which, the Second Appeal No. 373 of 2009 shall again stand dismissed without further reference to a bench.

(Rakesh Kumar, J)

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