

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1441 of 2010

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Shiv Shankar Kumar & Ors.

.... Petitioners

Versus

State of Bihar & Ors.

.... Opp. Parties

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

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12-02-2016

No one appears for the petitioners even today.

The present restoration application has been filed for restoration of Civil Revision No. 2336 of 2006 which was dismissed for default on 8.2.2007. The present restoration application also stood rejected as against opposite party Nos. 3 and 6 to 12 due to non-compliance of the order dated 26.2.2014. Thereafter MJC No. 1513 of 2014 was filed for restoration of the present application as against opposite party Nos. 3 and 6 to 12 but the same stood rejected on 16.12.2015 for non-compliance of the peremptory order dated 2.12.2015.

From the order-sheet of the Title Suit particularly the order dated 12.7.2006, it is evident that defendant Nos. 5 to 11 had opposed the application for amendment which was dismissed leading to filing of the Civil Revision application before this Court. Moreover, the Civil Revision application itself has been dismissed consequent upon the dismissal of the limitation petition as not pressed.

In the aforesaid circumstances, neither the Civil Revision application can proceed in the absence of opposite party Nos. 3 and 6 to 12 nor can it be restored in the absence of restoration of the limitation petition being I.A.No. 5921 of 2006 for which no restoration application has been filed.

(Ramesh Kumar Datta, J)

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