

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.3296 of 2015**

**In**

**Miscellaneous Jurisdiction Case No. 1524 of 2014**

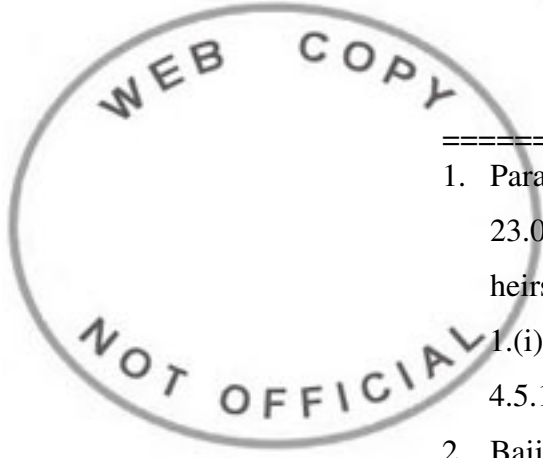
**In**

**First Appeal No. 587 of 1977**

- =====
1. Paras Singh son of late Babu Maharaj Singh (expunged vide order dated 23.04.1993 and one of his heirs is already on record appellant no.2 other heirs substituted).
  - 1.(i) Duleshwar Devi, widow of Paras Singh (expunged vide order dated 4.5.1993 heirs are already on record as Appellant-1(ii) and Appellant-2).
  2. Baijnath Singh son of Paras Singh, resident of Village- Nawadih Tola Bhasgarh, Police Station- Obra, District- Gaya now at Aurangabad).

.... .... Plaintiffs- Appellants/ Petitioner/s  
Versus

1. Dalful Kuer , widow of Late Babu Kailash Singh, resident of Village- Nawadih Tola Bhasgarh, Police Station- Obra, District Gaya, now Aurangabad (expunged vide order dated 22.5.2007 and her heirs are already on record as Appellant-2)
2. Chandrika Singh, son of Tilakdhari Singh, resident of Village- Rajkharsa, Police Station- Arwal, District- Gaya (Expunged vide order dated 8.9.1998 and his heirs are substituted)
  - 2(i) Widow of Chandrika Singh (name not known).
  - 2(ii) Ramadhar Sharma, son of Chandrika Singh
  - 2(iii) Shiwadhar Sharma, son of Chandrika Singh (expunged vide order dated 8.9.2005 and his heirs are substituted)
  - 2(iii)(b) Malti Devi, wife of Shiwadhar Sharma
  - 2(iii)(c) Ashutosh Raman Vatsa,
  - 2(iii) (d) Abinash Raman Vatsa, both sons of Shiwadhar Sharma, all are residents of Village- Rajkharsa, Police Station- Awwal, now Mehandia, District Gaya now Arwal.
  - 2(iii) (e) Priyanka Devi, daughter of Shiwadhar Sharma, W/O Mukesh Kumar, resident of Village+P.O.- Jaitpur, P.S. Haspura, District- Aurangabad.
3. Gayandutta Singh son of Raj Nath Singh, resident of Village- Manora, Police Station- Obra, District- Gaya, now Aurangabad (expunged vide order dated 17.7.2008 and his heirs are substituted)
  - 3(i) Man Kunwar Devi W/O Gayandutta Singh
  - 3(ii) Gupteshwar Sharma
  - 3(iii) Sidheshwar Sharma
  - 3(iv) Upendra Sharma
  - 3(v) Umeshwar Sharma, all sons of Gayandutta Singh, resident of Village- Manora, Police Station- Obra, District Aurangabad.
  - 3(vi) Bimla Devi, Daughter of Gayandutta Singh, W/O Jugal Mouar, resident of Village + P.O.- Arai, P.S. Daudnagar, Distt. Aurangabad.
4. Satya Narain Singh, son of Ram Raj Singh, resident of Village-



Nawadih, Police Station- Obra, District Gaya, now Aurangabad.

5. Raj Rani Kuer, wife of Surajdeo Singh (expunged vide order dated 2.3.1993 and her heirs are substituted)

5(i) Bhola Singh, son of Surajdeo Singh, resident of Village- Nawadih, Police Station- Obra, District Gaya, now Aurangabad.

5(ii) Jainandan Singh, son of Surajdeo Singh (expunged vide order dated 3.8.2004 and his heirs are substituted)

5(ii)(a) Manoj Singh

5(ii) © Pramod Singh, sons of Jainandan Singh, all are resident of Village- Nawadih, Police Station- Obra, District Gaya, now Aurangabad.

5(ii) (d) Smt. Vibha Devi, D/O Jainandan Singh, W/O Kamalesh Pradhan, Resident of Village- Parsa, Gonda, P.S. Sikraul, District- Bhojpur.

5(ii) (e) Smt. Nirasha Devi, D/O Jainandan Singh, W/O Shaligram Sharma, resident of Village- Sohsa, P.S. Mehandia, Distt. Arwal.

6. Srimati Alakhrani Devi, W/O Ram Raj Singh, resident of Village- Nawadih, Police Station- Obra, District Gaya, now Aurangabad (expunged vide order dated 1.9.2003 and her heirs are substituted)

6(i) Laljari Devi, D/O Late Ramraj Singh, W/O Jai Ram Singh, resident of Village + P.O. Manjhiawri, P.S. Guraru, Distt. Gaya, other heirs are already on record as respondent nos. 4,9,10 and 11).

7. Harakh Singh, son of Keshwar Singh, resident of Village- Nawadih, Police Station- Obra, District Gaya, now Aurangabad (expunged vide order dated 8.3.2000).

8. Ishwar Prasad Singh son of Lalldhari Singh (expunged vide order dated 12.2.1986 and his heirs are substituted).

8(a) Shyam Nandan Singh,

8(b) Sant Prasad Singh, both sons of Late Ishwar Prasad Singh, resident of Village- Nawadih, Police Station- Obra, District Gaya, now Aurangabad/

8© Sunaina Devi, D/O Ishwar Prasad Singh, w/o Surendra Singh, resident of Village Bhartipur, Police Station Obra, District Aurangabad.

8(d) Kushum Devi, D/O Ishwar Prasad Singh, w/o Vijai Sharma, resident of Village- Hathikhap, Police Station- Obra, District Aurangabad.

9. Bishunpat Pd. Singh.

10. Krishna Prasad Singh

11. Baban Pd. Singh, All sons of Late Ram Raj Singh, resident of Village- Nawadih, Police Station- Obra, District Gaya, now Aurangabad.

12. Kanti Devi, Daughter of Paras Singh, wife of Brijendra Sharma, Vill- Belsar, P.S. Arwal, District Gaya.

.... .... Opp. Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Opp. Party/s : Mr. Bimal Kumar No. 2, Adv.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

2 20-07-2016

Heard the parties.

The present M.J.C. application has been filed for restoration of M.J.C. No. 1524 of 2014, which stood dismissed on account of partial compliance of peremptory order dated 03.09.2014 passed by this Bench.

The learned counsel, appearing on behalf of the petitioners, submits that in compliance of the order dated 03.09.2014 passed in M.J.C. No. 1524 of 2014, requisites for issuance of show cause notices upon all the opposite parties, excepting opposite party no.12, were filed within time prescribed by this Court. According to him, requisites for issuance of show cause notice upon the opposite party no.12 could not be filed on account of certain confusion, but subsequently, requisites for issuance of show cause notice upon the opposite party no.12 was also filed on 16.10.2015, but after expiry of peremptory time.

The learned counsel, appearing on behalf of some of the opposite parties, does not raise any objection to the prayer for restoration made in the present application.

In above view of the matter, the prayer for restoration is allowed. M.J.C No. 1524 of 2014 is directed to be restored to its original file, subject to verification about filing of the requisites by the petitioners in compliance of order dated 03.09.2014 for issuance of show cause notice upon all the opposite parties. If the requisites have already been filed, then the notices shall be issued to the opposite parties in the light of the order dated 03.09.2014. However, on verification, if it is found that the requisites have not been filed by the petitioners, then that must be filed within a period of two weeks from today, failing which it shall be construed that the present M.J.C. application stood dismissed on

account of non-compliance of the Court’s peremptory order.

The present M.J.C. application stands finally disposed of with the observations and directions made above.

**(Birendra Prasad Verma, J)**

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