

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.326 of 2016
In
C.R. 1212 of 2008

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Ramendra Kumar Sinha		 Petitioner/s
	Versus	
Smt. Meena Sinha		 Respondent/s

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Appearance :
For the Petitioner/s : Mr. Lakshmi Kant Sharma
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 09-03-2016 Heard the learned counsel for the petitioner and Mrs. Mallika Mazumdar, the learned counsel for the other side.

This restoration application has been filed for restoration of Civil Revision No. 1212 of 2008 which has been dismissed for non-prosecution on 18.12.2015. The learned counsel for the other side has opposed the prayer for restoration.

After considering the submissions on behalf of the parties and in view of the averments made in the restoration application, it appears that this restoration application has earlier also been dismissed for default but later on was restored. It has been pointed out by the learned counsel for the opposite party that the same ground has been taken for restoration in the present application as was taken in the earlier restoration application.

However, this Court is inclined to restore the revision

application and in order to balance the equity, to direct the payment of cost to the opposite party.

Accordingly, the restoration application is allowed subject to the payment of cost of Rs. 5000/- to the opposite party. The cost must be paid within one week as prayed for on behalf of the petitioner. The learned counsel for the petitioner must file receipt showing payment of cost within the said period.

As jointly prayed for, put up this C.R. No. 1212 of 2008 for hearing on 01.04.2016 as a first case subject to the payment of cost.

(V. Nath, J)

Devendra/-

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