

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1984 of 2011

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Kamla Tiwari

.... Petitioner

Versus

Hira Tiwari & Ors

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate

For the Opposite Parties : None.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

40 16-03-2016

Heard learned counsel for the petitioner. None appears
for the opposite parties.

Substituted mode of service of notice was directed to
be taken vide order dated 14.10.2015. The petitioner has filed a
supplementary affidavit bringing on the record the newspapers
cutting showing such notice having been published in Hindustan
in Hindi and Times of India in English. The original bills of
payment to the newspapers as well as the original newspapers in
which the notices were published have also been produced. Let
them be kept on the record.

Accordingly, service of notice upon the opposite party
no.2 is accepted as valid but the aforesaid acceptance is only for
the purpose of taking a final decision in this application which has
been filed for restoration of F.A. No.184 of 1978 which stood
dismissed for want of prosecution on 1.04.2011.

However, at the same time, it has been noticed in the order dated 14.10.2015 that the first appeal has already been dismissed against the opposite party no.2 who has been impleaded as respondent no.7 in the first appeal for non-compliance of the order dated 1.08.1980 passed in the aforesaid first appeal, therefore, what would be the consequence of the dismissal of the appeal against him would be a matter to be decided in the first appeal without being prejudiced by the present proceeding in which notices were served under substituted mode upon the opposite party no.2 in the aforesaid manner for the purpose of disposal of this case only.

Having regard to the aforementioned facts and circumstances and on being satisfied with the reasons mentioned in this application explaining omission on the part of the petitioner, the same is allowed and the F.A. No.184 of 1978 is restored to its original file and number.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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