

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2986 of 2015

In
MA 286 of 2012

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Birendra Kumar

.... Petitioner/s

Versus

Surya Nath Baidh & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 13-01-2016

Heard Sri Ravindra Kumar Sinha, learned counsel for
the petitioner.

The present petition has been filed with a prayer to
restore M.A. No.286/2012, which stood dismissed due to non-
compliance of peremptory order dated 14.09.2012. By the said
order, while summoning lower court record, this Court had
directed for issuance of notice to Respondents, which was to be
issued through ordinary post as well as registered cover, for which
requisites were directed to be filed within peremptory time, which
was not filed within time.

Learned counsel for the petitioner submits that due to
bona fide mistake, earlier order was not complied with, but
subsequently notices were filed at belated stage.

In view of facts and circumstances, restoration petition

is allowed. Let M.A. No.286 of 2012 be restored to its original file with condition that the petitioner may file requisites in compliance with the order dated 14.09.2012 within a period of four weeks from today, failing which M.A. No.286 of 2012 shall stand dismissed without further reference to a Bench.

(Rakesh Kumar, J)

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