

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4862 of 2013

In
First Appeal No. 378 of 1982

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Ram Pravesh Chaudhary & Ors.

.... Petitioner/s

Versus

Birendra Chaudhary & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Bilash Roy Raman

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

15 02-03-2016

Heard learned counsel for the petitioners as well as
learned counsel for the opposite parties.

The present application has been filed under Order 41
Rule 19 of the C.P.C for restoration of the First Appeal No. 378
of 1982, which has been dismissed as not pressed by order dated
13.08.2013.

A counter affidavit has been filed on behalf of the
opposite parties opposing the prayer for restoration.

After considering the submissions and perusal of the
records, it becomes transparent that the learned counsel for the
appellants has accepted his mistake in not appearing on behalf of
the appellants when the first appeal was called out for hearing. A
statement has also been made in the restoration application that
the name of one of the learned advocate appearing for the

appellants was also not published in the daily cause list.

In view of the aforesaid facts and submissions, this Court finds sufficient cause for restoration of First Appeal No. 378 of 1982.

Accordingly, the restoration application is allowed and First Appeal No. 378 of 1982 is restored to its original file.

(V. Nath, J)

Ranjan/-

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