

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.233 of 1980

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NEW INDIA ASSURANCE CO.

.... Appellant/s

Versus

CHANDA DEVI AND ORS

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

17 05-07-2017 Instant appeal has been preferred against the judgment and award dated 18.06.1980 passed by the learned District Judge-cum-Claims Tribunal, Hazaribagh in Misc. Claim Case No.27 of 1977 at the instance of Insurance Company.

During the pendency of instant appeal, on account of non-compliance of peremptory order, appeal has been dismissed and for restoration of the same, M.J.C. No.264 of 1986 was filed, which never been cared with at the instance of appellant/petitioner and during midst thereof, the State has been bifurcated and so, the present appeal arising out of the judgment having been passed by the Claims Tribunal, Hazaribagh, on account thereof, would have been transferred to Jharkhand High Court. Anyhow, remained here and so, vide order dated 22.01.2016, M.J.C. No.264 of 1986 has been dismissed on account of non-presence of learned counsel. At that very moment, it is evident that no office report



was existing since before on that very score. Then thereafter, the office awoken and placed the original record of Misc. Appeal No.233 of 1980 before the assigned Bench and then thereafter, the aforesaid eventualities was perceived whereupon matter has come up.

Because of the fact that order dated 22.01.2016 happens to be subsequent to bifurcation of the State and so, the matter would have been transferred to Jharkhand High Court, which could not, having no office report on that very score till then, even then the aforesaid order would not justify and so, exercising the power in terms of Section 114 of C.P.C. read with Order-47, Rule-1 and 2 of the C.P.C., the same is hereby recalled, whereupon M.J.C. No.264 of 1986 is directed to be restored to its original status with a direction to the office to transmit both the records to the High Court of Jharkhand after taking administrative sanction.

(Aditya Kumar Trivedi, J)

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