

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.102 of 2017

In
C.R. 358 of 2010

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Sudhir Kumar Sinha & Anr

.... Petitioner/s

Versus

Most. Raj Kumari Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 23-11-2017 This petition has been preferred for restoration of Civil Revision No.358 of 2010 stood dismissed on 19.02.2014 due to non-compliance of the peremptory order dated 29.01.2014 of this Court.

Admittedly, the present restoration petition was filed on 16.1.2017, i.e., more than 2 ½ years after dismissal of Civil Revision No.358 of 2010. Although the petitioners have tried to explain the aforesaid delay at paragraphs 5, 6, 7 and 8 of the petition but I am not at all convinced with the explanation given in the aforesaid paragraphs. Moreover, it would appear from perusal of the record of C.R.No.358 of 2010 that the aforesaid civil revision was filed against the order dated 05.01.2010 passed by Sub Judge-1st Munger, in Title Suit No.167 of 1988 by which and whereunder he rejected the petition filed on behalf of the present



petitioner under Order 14 Rule 2 of Civil Procedure Code. The order dated 05.01.2010 passed in T.S.No.167 of 1988 goes to show that the aforesaid petition had been filed in the midst of the final argument and that was the reason the court below rejected the aforesaid petition.

Therefore, in my view, there is no need to restore the Civil Revision No.358 of 2010 of its original number because even if the aforesaid civil revision is restored to its original number, then also the petitioners will not get any relief because the learned Sub Judge/1st. Munger, has rightly passed the order in T.Suit No.167 of 1988.

In view of the afore discussion, this restoration application, stands dismissed.

(Hemant Kumar Srivastava, J)

AnilKrSinha/-

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