

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3160 of 2016

In
First Appeal No. 139 of 2013

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Dhrub Kumar Lal, son of Shri Girija Nandan Prasad Sinha, Resident of Mohalla- Chand Chaura, Dak Khana Gali, P.O. Head Post Office, P.S.- Civil Lines, District- Gaya.

.... Petitioner.

Versus

1. Nathun Tatwa, son of Late Nanhaka Tatwa.
2. Munni Devi, wife of Nathun Tatwa.
3. Ganauri Pd.
4. Ram Pd.
Both, sons of Late Balgobind Tatwa.
All resident of Narain Chaun Dakhin Darwaja, Police Station- Civil Lines, P.O.- Chand Chaura, District- Gaya.
5. Smt. Domini Devi, wife of Lakhan Pd. and Daughter of Nanhaku Tatwa, Resident of Ram Sahay Lane, P.O. Mahendru, District- Patna.
6. Smt. Chinta Devi, wife of Vinod Pd. and Daughter of Late Nanhaku Tatwa, resident of Dak Bangla Road, Police Station- Biharsharif, District- Nalanda.
7. Lalita Devi, wife of Ratan Prasad, daughter of Late Balgovind Tatwa, resident of Gohgawan, P.S.- Town Patna, District- Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr.
For the Opposite Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 08-11-2017 Heard.

This application has been filed on behalf of the petitioner for restoration of First Appeal No.139 of 2013, which stood dismissed for default on 17.08.2015 due to non compliance of the Court's peremptory order dated 20.07.2015.

Learned counsel for the petitioner submits that vide



order dated 20.07.2015 passed by this Court in First Appeal No.139 of 2013, four weeks' further time was granted to the learned counsel for the appellants to comply the order dated 13.05.2015 passed by the Lawzaima Board to file the deficit court fee stamps vide Stamp Report dated 22.03.2014 but as the said order had not been complied with within time, First Appeal No.139 of 2013 was dismissed for default on 17.08.2015 due to non compliance of the Court's peremptory order dated 20.07.2015 but, now, the deficit court fee stamp has already been deposited on behalf of the petitioner.

In view of the submission of the learned counsel for the petitioner, this application is allowed and First Appeal No.139 of 2013 is restored to its original file and number subject to the condition that the order dated 20.07.2015 passed in First Appeal No.139 of 2013 by this Court has been fully complied with.

(Rajendra Kumar Mishra, J)

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