

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4300 of 2016

In
SA 393 of 2008

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Md. Moinuddin @ Moin Mian

.... Petitioner/s

Versus

Md. Yasin & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kishore Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 05-07-2017 Heard Mr. J.K. Verma, learned counsel for the

petitioner and learned counsel for the respondent nos. 1 and 2.

This application has been filed for restoration of S.A. No. 393 of 2008 which stood dismissed for non-compliance of the order dated 02.04.2012 whereby the direction was issued to the respondents to take steps for fresh service of notice upon the respondent nos. 6 and 10 both under registered cover with A/D as well as ordinary process. It has been stated on behalf of the petitioner in the restoration application that the said direction was complied within time by filing the requisites but the same could not be found. The petitioner has also annexed Annexure-P1 pertaining to the compliance of the direction for notice upon the respondent nos. 6 and 10.

Learned counsel for the respondent nos. 1 and 2 has



raised no objection the prayer for restoration.

After considering the facts and circumstances as above including the averments made in the restoration application, the S.A. No. 393 of 2008 is restored to its original file.

Learned counsel for the petitioner has submitted that the direction as contained in the order dated 02.04.2012 has again been complied on 23.06.2017 by filing the requisites for notice on respondent nos. 6 and 10.

The office is directed to proceeding accordingly for issuing the notice upon the respondent nos. 6 and 10.

Devendra/-

(V. Nath, J)

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