

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1806 of 2016

=====

Bhrigunath Tiwari son of late Gopalji Tiwari resident of village-Madhampur,
Pragna-Bara, P.S. Gautam Budh Nagar, District-Siwan.

.... Petitioner/s

Versus

1. Babulal Tiwari
2. Babudeo Tiwari
3. Babunand Tiwari, sons of late Sita Ram Tiwari.
4. Smt. Jhalav Devi, wife of Bashistha Tiwari daughter of late Sita Ram Tiwari, all resident of village-Sahlaur, Pragna-Bara P.S. Pachrukhi, District-Siwan and at present of village-Madhampur, P.s. G.B. Nagar, District-siwan.
5. Smt. Dharmawati Devi, wife of Sheonarain Tiwari resident of village-barkagaon, Pragana-Bara, P.S. Pachrukhi, District-Siwan and at present of village-Madhampur, P.s. G.P. Nagar, District-siwan.
6. Sharma Tiwari.
7. Nand Kishore Tiwari, son of late Gopalji Tiwari.
8. Smt. Lalti Devi, wife of Sharma Tiwari all resident of village-Madhampur, Pragna-Bara, P.S. G.B. Nagar, District-Siwan.
9. Musmat Moti Devi @ Mati Devi, wife of Lalji Tiwari resident of village- Madhopur, Pragana-Bara, P.S. Gautam Budh Nagar, District-siwan.
10. Smt. Reeta Devi, wife of Baldeo Tiwari.
11. Geeta Devi wife of Asheshar Tiwari, Both resident of village Madhopur, Pragana, Bara, P.S. G.B. Nagar, District-Siwan.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Aslam Ansari, Adv.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 05-07-2017

Heard learned counsel for the petitioner.

The matrix of facts discloses that the civil revision



application no. 11 of 2013 has stood dismissed for default for non-compliance of the order dated 16.02.2015. From the averments made in the restoration application, it transpires that the petitioner became aware of the order on 18.03.2015 itself on which date the preemptory time granted by this Court had already been expired. The restoration application, however, has been filed on 29.04.2016 admittedly after the expiry of more than one year.

It also transpires from the records that the civil revision application has been filed against the order refusing to set aside the decree in compromise on the petition filed by the petitioner under Order 23 Rule 3A C.P.C. after recording findings of fact.

After considering the submissions and the averments made in the restoration application, this Court is not satisfied that the sufficient cause has been made out by the petitioner for restoration of this application.

The restoration application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--

