

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2055 of 2014

In

First Appeal No. 186 of 1980

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Prabhunath Choubey

.... Petitioner

Versus

Sudama Choubey & Ors.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha No.- I

For the Respondent/s : Mr. Uday Shankar Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR

SAHOO

ORAL ORDER

7 01-03-2017 Learned counsel for the petitioner submitted that this M.J.C. application has been filed for restoration of First Appeal No.186 of 1980. This First Appeal was directed to be heard analogously with First Appeal No.161 of 1980. First Appeal No.161 of 1980 has been filed by the respondents, who are opposite parties in this M.J.C. application. Both the First Appeals were dismissed for default. The respondents filed M.J.C. No.2056 of 2014 which has already been allowed and First Appeal filed by the respondents has been restored to its original file wherein the present appellant-petitioner is the respondent.

The learned counsel Mr. Uday Shankar Sharan Singh did not dispute this position.

In view of the above facts and circumstances of the case that when the petitioner is respondent in the First Appeal filed



by the opposite parties and the opposite parties are respondents in the First Appeal filed by the petitioner and both the appeals are to be heard analogously, as both the First Appeals arise out of the same judgment. Both parties submitted that this M.J.C. application may be disposed of under the heading “For Orders (on office notes)” itself without service of notice according to office note, as the learned counsel Mr. Uday Shankar Sharan Singh represents all the opposite parties, who are appellants in the other First Appeal, which has already been restored.

In view of the aforesaid submission of learned counsels for the parties no notice is necessary to be issued on the respondents on whom notice has not been validly served and this M.J.C. application is heard on merit in admission matter and accordingly, M.J.C. application is allowed and First Appeal No.186 of 1980 is restored to its original file. Both the First Appeals be listed for hearing after Holi holidays.

(Mungeshwar Sahoo, J)

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