

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3733 of 2013

In
SA 7 of 2009

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Most. Ambika Devi & Ors.

.... Petitioner/s

Versus

Smt. Sushila Devi & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 17-01-2017 Heard Sri Subodh Kumar Jha, learned counsel for the
petitioners .

The present petition has been filed with a prayer to restore Second Appeal No. 7 of 2009 which stood dismissed due to non- compliance of peremptory order dated 26.4.2010. By the said order a Bench of this Court had noticed that petitioners in compliance with earlier order dated 13.4.2010 had removed all the defects except defect no. 2 and 3 for which he sought extension of time to file an interlocutory application with respect to the said defects.

Learned counsel for the petitioners submits that due to his bona fide mistake he failed to file the said interlocutory application within time and since it was peremptory order the Appeal stood dismissed. However, after expiry of peremptory time



the petitioners have already filed interlocutory application in compliance with the order dated 26.4.2010 vide I.A. No. 4757 of 2013.

In view of the facts and circumstances the restoration petition stands allowed.

Let Second Appeal No. 7 of 2009 be restored to its original file.

(Rakesh Kumar, J)

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