

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 2111 of 2014

In
First Appeal No. 359 of 1979

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Sudama Devi & Anr

.... Petitioner/s

Versus

Pano Devi

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Jayram Sharma

For the Opp. Party/s : Mr. Rabindra Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 30-01-2017

I.A. No. 8962 of 2014

Heard Sri Jayram Sharma, learned counsel for the petitioners and Sri Rabindra Prasad Singh, learned counsel for sole opposite party on interlocutory application i.e. I.A. No. 8962 of 2014, which was filed under Section 5 of the Limitation Act for condoning delay in filing present restoration petition. The detailed reason for delay in filing restoration petition has been mentioned in the present petition.

After hearing, the limitation petition is allowed and delay in filing restoration petition is condoned.

M.J.C. No. 2111 of 2014

The present petition has been filed for restoring First Appeal No. 359 of 1979, which stood dismissed due to non-compliance on peremptory order dated 15-04-2004.



It has been indicated that the earlier counsel, who was appearing on behalf of the appellant, had become law officer and he left doing *pairvi*. Subsequently, at much belated stage, the petitioners noticed regarding the peremptory order and then, they engaged another counsel.

After hearing learned counsel for the parties and considering the ground set-forth in the petition, same is allowed.

Let First Appeal No. 359 of 1979 be restored to its original file.

It is clarified that if order dated 15-04-2004 passed in F.A. No. 359 of 1979 is not complied with within a period of six weeks from today, the First Appeal i.e. F.A. No. 359 of 1979 shall stand dismissed without further reference to a bench.

(Rakesh Kumar, J.)

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