

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 2935 of 2009
(Arising out of Civil Revision No. 2052 of 1997)

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Rajbanshi Singh S/o Late Raktu Singh & Ors.	 Petitioner/s
Versus	
Manwa Dusadh S/o Dhiran Dusadh & Ors.	 Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Anshay Bahadur Mathur
For the Opp. Party/s : Mr. Madhurendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

9. 10-01-2017 Heard Sri Anshay Bahadur Mathur, learned counsel

for petitioners as well as Sri Madhurendra Kumar, learned counsel

for opposite party no. 1 & 2.

The present petition has been filed with a prayer to restore Civil Revision No. 2052 of 1997, which stood dismissed due to non-compliance of peremptory order dated 07-01-1998. By the said order, while directing for issuance of notice to opposite parties, this Court had directed the petitioners to file requisites within ten days. Though requisites were filed, on some of the envelops, proper stamps were not affixed and as such, the civil revision stood dismissed on 16-01-1998 due to non-compliance of peremptory order.

Alongwith the present restoration petition, the petitioners have also filed limitation petition. In paragraph 3 & 4 of the limitation petition, detailed reason has been assigned for



filing restoration petition at such belated stage. The main reason for delay has been assigned that the Advocate Clerk, who was assigned with the job of filing requisites, was seriously involved in getting his wife treated at Patna as well as AIIMS, New Delhi. The reason assigned in the limitation petition is sufficient for condoning the delay in filing the restoration petition.

Accordingly, the limitation petition is allowed.

Considering the fact that petitioners had taken effort to comply the order of this Court dated 07-01-1998, however; since proper stamps were not fixed on some of the envelopes the petition stood dismissed, the Court is of the opinion that on such technical ground, petitioners may not be allowed to suffer.

Accordingly, in view of facts and circumstances, the restoration petition is allowed.

Let Civil Revision No. 2052 of 1997 be restored to its original file with a direction to comply the order dated 07-01-1998 within a period of six weeks, failing which, the Civil Revision No. 2052 of 1997 shall stand dismissed without further reference to a bench.

(Rakesh Kumar, J.)

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