

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4001 of 1999

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Arun Kumar Singh & Ors

.... Petitioners

Versus

Mostt.Hira Devi & Ors

.... Opposite parties

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Appearance :

For the Petitioners : Mr. Akhouri Baidya Nath Pd.

For the Opp.Parties : Mr. Jogendra Pd.Sinha

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

14 23-03-2017

Heard learned counsel for the petitioners.

Although the name of learned counsel appearing on behalf of the opposite parties is printed in the daily cause list, nobody is appearing to oppose the prayer. The learned counsel for the petitioners submitted that First Appeal No.377 of 1998 was dismissed against respondent nos.2, 9, 10 and 10(a) to 10(d) because of non-compliance of peremptory order. The learned counsel submitted that because the appellants could not mark the list, the order passed by the Bench could not be complied with.

In view of the submission of learned counsel for the petitioners and the explanation given in this restoration application I am satisfied that the petitioners were prevented by sufficient cause from not complying the peremptory order within the period.



Accordingly, this M.J.C. application is allowed and First Appeal No.377 of 1998 is restored against the aforesaid respondents.

Harish/-

(Mungeshwar Sahoo, J)

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