

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.5530 of 2013

In

SA 616 of 1991

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Rana Baidyanath Singh Son Of Late Ramanand Singh Resident Of Village
+ P.O.- Chandapura, Nanhkar, P.S.- Desari, District- Vaishali

.... Plaintiff – Respondent – Appellant - Petitioner
Versus

1. Ramanand Singh Son Of Late Pradeep Singh

Defendant – Appellant – Respondent

2. Rana Gokul Prasad Singh Son Of Ramanand Singh

Defendant – Respondent – Respondent

Both are Resident Of Village + P.O.- Chandapura, Nanhkar, P.S.- Desari,
District- Vaishali

.... opposite party /s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the opposite party/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

5 17-01-2017 Heard Sri Ashok Kumar Mishra, learned counsel for
the petitioner.

The present petition was filed in the month of October
2013 with a prayer to restore Second Appeal No. 616 of 1991
which stood dismissed due to non compliance of peremptory
order which was passed long back on 24.3.1994.

Sri Ashok Kumar Mishra, learned counsel for the
petitioner tried to persuade the court that there was no laches on
the part of the petitioner but due to laches on the part of Advocate
Clerk Appeal stood dismissed.

However keeping in view the fact that Second Appeal



was not even admitted and no question of law was formulated and it stood dismissed due to non -compliance of peremptory order long back in the year 1994, there is no question for allowing the restoration petition which has been filed in the month of October 2013.

The petition stands dismissed.

(Rakesh Kumar, J)

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