

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 4909 of 2014

In
MA. 478 of 2004

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Binda Devi & Anr

.... Petitioner/s

Versus

Naresh Nonia & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nalin Vilochan Tiwary

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 11-05-2017 This restoration petition has been filed for restoration of M.A. No. 478 of 2004 to its original number as the aforesaid miscellaneous appeal stood dismissed for non compliance of peremptory order dated 07.07.2010 of this court.

Submission on behalf of the appellants is that vide order dated 07.07.2010, the court directed the appellants to file requisites for issuance of notice within one week from the date of passing the order dated 07.07.2010 and subsequently, within one week requisites were filed but as a matter of fact, requisites were filed against respondents no. 2 and 3 as inadvertently after death of original respondent no. 1, the respondent no. 2 was substituted in her place though he was already on record as respondent no. 2 and that was the reason the appellants had filed necessary requisites for issuance of notices to respondents no. 2 and 3.



In view of the aforesaid submissions, this restoration petition is allowed and M.A. No. 478 of 2004 is ordered to be restored to its original number.

The office should issue notice to respondent no. 2 and 3 in M.A. No. 478 of 2004 in accordance with previous order of this court.

(Hemant Kumar Srivastava, J)

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