

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 4896 of 2014

In
S.A. No. 106 of 2009

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Nawal Mandal

.... Petitioner/s

Versus

Mukesh Kumar & Ors

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary

For the Opp. Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 09-02-2017 Heard Sri Anil Kumar Choudhary, learned counsel for the petitioner.

The present petition has been filed with a prayer to restore Second Appeal No. 106 of 2009, which stood dismissed due to non-compliance of order dated 11-11-2009, whereby, one week peremptory time was granted for complying the order of Lawazima Board dated 07-08-2009.

A stand has been taken that though, there were defects, the then counsel did not take appropriate step and at much belated stage, the petitioner noticed regarding dismissal of the case due to non-compliance of the peremptory order. Thereafter, the petitioner approached Sri Anil Kumar Choudhary, learned advocate for taking appropriate action in the matter and as such, the present petition has been filed.



After hearing learned counsel for the petitioner, the restoration petition is allowed.

Let S.A. No. 106 of 2009 be restored to its original file.

It is clarified that if order dated 11-11-2009 passed in S.A. No. 106 of 2009 is not complied with within a period of three weeks from today, the second appeal i.e. S.A. No. 106 of 2009 shall stand dismissed without further reference to a Bench.

(Rakesh Kumar, J.)

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