

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2639 of 1995

Md.Hussain Khan @ Ahmad Hussain Khan

... .. Petitioner/s

Versus

Most.Shahidan Bibi & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 19-09-2017

This is a restoration application filed inter alia contending that 1st Appeal No.789 of 1978 which was dismissed in default on 14.11.1995.

On a perusal of the order passed by this Court and on going through the original records of 1st Appeal No.789 of 1978, it is seen that there is no order passed dismissing the appeal for want of prosecution on 14.11.1995. Instead, it is seen that the appeal has been disposed of vide order passed in 1st Appeal No.597 of 1978. On 13.11.1995 it was ordered to be listed with 1st Appeal No.597 of 1978 and thereafter on 17.7.1996 it has been ordered that the judgment and order passed in 1st Appeal No.597 of 1978 shall apply to this case also. There is no direction for dismissal of the appeal for want of prosecution and the appeal has been disposed of in terms of the order passed in 1st Appeal No.597 of 1978.



In view of the above, this appeal is not maintainable. It is accordingly dismissed.

(Rajendra Menon, CJ)

K.C.Jha/-

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