

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 3401 of 2015

In
MA No. 415 of 2004

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Shanti Devi w/o Late Jago, resident of Village:- Makdumpur, P.O:
Mankatha, PS: Lakhisarai, Distt: Lakhisarai (Bihar).

.... Petitioner

Versus

The Union of India through the General Manager, Eastern Railway, 3-
Koelaghat street, Kolkata.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Murari, Adv.
For the Opposite Party : Mr. Anil Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 06-04-2017 Heard the parties.

The present miscellaneous jurisdiction case has been filed for restoration of M.A. No. 415 of 2004 which was earlier dismissed due to non compliance of peremptory order but the petitioner filed MJC No. 1556 of 2010 for restoration of M.A. No. 415 of 2004 and the aforesaid MJC No. 1556 of 2010 was disposed of giving direction to restore the M.A. No. 415 of 2004, if the defects pointed out by the stamp reporter are removed within a week from the date of disposal of aforesaid MJC No. 1556 of 2010. However, the entire defects were not removed as a result whereof, M.A. No. 415 of 2004 could not be restored.

Learned counsel appearing for the petitioner points out



that as a matter of fact, total eight defects were pointed out by the office and after disposal of MJC No. 1556 of 2010, some defects were removed and the concerned counsel left to remove some defects inadvertently as a result whereof, M.A. No. 415 of 2004 could not be restored. It is further submitted that prior to filing of this petition, petitioner had filed I.A. No. 4897 of 2015 for extension of time for removal of the defect but this court declined to pass order and thereafter, the present petition has been filed.

Although, learned counsel appearing for the opposite party opposed the prayer of restoration but considering this aspect of the matter that out of eight defects, five defects had already been removed and three defects were left to be removed, MJC No. 3401 of 2015 stands allowed and accordingly, M.A. No. 415 of 2004 is restored to its original number.

Petitioner must remove remaining defects within two weeks, failing which the order of restoration shall not take its effect.

(Hemant Kumar Srivastava, J)

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