

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2414 of 2008

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1. Kanhaiya 'Kasyup' son of Shri Satish Chandra Sharma
2. Vandana, daughter of Shri Kanhaiya Kasyup
3. Shipra, daughter of Sri Kanhaiya Kasyup
4. Rupali, minor daughter of Shri Kanhaiya Kasyup
5. Pranavanand, minor son of Shri Kanhaiya Kasyup
All residents of village Asta, Police Station – Tharthari, District Nalanda
..... Petitioner/s

Versus

1. Sachidanand Singh
2. Dayanand Singh
3. Vivekanand Singh
1 to 3 are sons of Ram Balak Singh, deceased
4. Akhilesh Kumari
5. Ramshray Singh
6. Ram Dayalu Singh
4 is the daughter and 5 & 6 are sons of Triveni Singh, deceased
7. Surendra Kumar
8. Yogendra Kumar
Both 7 & 8 are sons of Late Ramsanehi Singh
9. Mosst. Jairani Devi wife / widow of Parmanand Singh deceased
10. Kanchan Kumari
11. Kamini Kumari
10 & 11 are daughters of Parmanand Singh, deceased
All are residents of village Pawa / Pawapuri, Police Station Deepnagar,
District Nalanda
..... opposite party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh
For the opposite party/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 10-01-2017 Heard Sri Mritunjay Prasad Singh , learned counsel for
the petitioners.

The present petition was filed in the month of
September 2008 with a prayer to restore Civil Revision No. 1639
of 2004 which stood dismissed due to non- compliance of
peremptory order which was passed long back on 6.12.2004. By



the said order one week peremptory time was allowed to file limitation petition. Learned counsel for the petitioner tried to persuade the court that the reason for filing restoration petition at belated stage was beyond his control. However besides hearing learned counsel for the petitioners I have also perused the material available on record including the order under challenge in Civil Revision which was passed on 11.8.2004. By the said order the learned Sub Judge -I had noticed the dilatory tactics adopted by the petitioners and thereafter plaintiff evidence was closed. The dilatory attitude of the petitioners is further evident from the fact that even after rejection of the Revision petition due to non – compliance of peremptory order four year thereafter the present restoration petition was filed . The ground set forth in the petition as well as submission of learned counsel for the petitioners is not sufficient to persuade the court to allow the restoration petition. The restoration petition stands dismissed.

(Rakesh Kumar, J)

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