

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.460 of 2017

In

First Appeal No. 540 of 1994

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1. Akhileshwar Prasad.
 2. Satish Prasad.
 3. Girish Prasad.
- All sons of Late Baleshwar Prasad, Resident of Village- Singhaul,
Pargana- Malki, Police Station and District- Begusarai.
- Defendants/Appellants/Petitioners.

Versus

1. Ajay Kumar Sinha.
 2. Vijay Kumar Sinha.
 3. Kishore Kumar Sinha.
 4. Sanjay Kumar Sinha.
 5. Poonam Kumari.
- No. 1 to 4 sons and 5 daughter of Late Nand Kishore Prasad, resident of
Village- Singhaul, Pargana- Malki, P.S. and District- Begusarai.
-Plaintiffs-Respondents Ist Set.
6. Narmadeshwar Prasad.
 7. Tribhuan Prasad.
 8. Karna Kishore Prasad.
 9. Amar Nath Verma.
- 6 to 9 sons of Late Kedar Nath Verma, residents of Village- Singhaul,
Pargana- Malki, P.S. and District- Begusarai.
10. Smt. Asha Rani, wife of Late Sudhir Kumar Nayar, C/o Narmadeshwar
Prasad, resident of Village- Singhaul, Pargana- Malki, P.S. and District-
Begusarai.
 11. Smt. Deorani Sinha, wife of Shashi Bhushan Sinha, C/o Narmadeshwar
Prasad, resident of Village- Singhaul, Pargana- Malki, P.S. and District-
Begusarai.
 12. Smt. Maharani Devi, wife of Shambhu Prasad, C/o Narmadeshwar
Prasad, resident of Village- Singhaul, Pargana- Malki, P.S. and District-
Begusarai.
 13. Indra Kumar Sinha, son of Late Pashupati Nath Sinha.
 14. Bipin Kumar Sinha, son of Late Pashupati Nath Sinha.
- Both resident of Village- Singhaul, Pargana- Malki, P.S. and District-
Begusarai.
- Defendants-Respondents 2nd Set-Opposite Parties.
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Appearance :

For the Petitioners : Mr.
For the Opposite Parties : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 20-09-2017

Heard.



This application has been filed on behalf of the defendants/appellants/petitioners for restoration of First Appeal No.540 of 1994, which stood dismissed for default for non compliance of the Court's peremptory order dated 29.07.2015 to file requisites for fresh service of appeal notice on respondent nos.3, 4, 5, 6, 6(A) and 9, both, under ordinary process as well as registered cover with A/D with correct and present address.

For the reasons mentioned in this application, First Appeal No.540 of 1994 is restored to its original file and number, subject to the condition that the order dated 29.07.2015 passed by this Court in the aforesaid First Appeal is fully complied with within two weeks' after Puja Holidays.

This application is, accordingly, disposed of.

(Rajendra Kumar Mishra, J)

P.S./-

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