

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1476 of 2016

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Massrs Sharma & Company

.... Petitioner/s

Versus

Bihar State Cooperative Marketing Union Ltd. & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar Sinha-1

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

7 16-11-2017 This petition has been preferred for restoration of MJC No.5147 of 2014 which was stood dismissed on 20.08.2014 due to non compliance of peremptory order dated 13.08.2014 of the court.

The above stated MJC No of 5147 of 2013 had been filed for restoration of Civil Review No. 46 of 2009 which was dismissed for default on 10.07.2013.

The present petition was filed on 18.04.2016 i.e near about after two years of dismissal of MJC No. 5147 of 2013 but submission on behalf of the petitioner is that in MJC No. 5147 of 2013, the petitioner was asked to remove certain defects and for removal of the aforesaid defects, the concerned learned counsel filed inspection slip on 19.06.2014 but the concerned file was not made available to him on the pretext of being traceless. In the



meantime, the aforesaid MJC No. 5147 of 2013 stood dismissed due to non compliance of peremptory order. The learned counsel further submits that even after, dismissal of the aforesaid MJC No. 5147 of 2013, learned counsel for the petitioner personally approached the concerned office but the file was not made available to him.

However, in the meantime, the young son of petitioner died which caused mentally disturbed to the petitioner. Therefore, the petitioner could not contact to his concerned learned counsel. Subsequently, when he contacted to his learned counsel, he came to know about dismissal of the above stated MJC No. 5417 of 2013 and, thereafter, immediately petitioner got filed the present case.

No doubt, there is some delay in filing the present petition but taking note of the aforesaid facts and circumstances as well as submission of the parties, this petition stands allowed and accordingly, it is ordered that MJC No. 5147 of 2013 be restored to its original file and number. However, it is made clear that if the petitioner fails to comply with the order passed in M.J.C. No. 5147 of 2013 within three weeks from today, the aforesaid MJC shall be deemed to be dismissed.

In the aforesaid manner, the present petition stands



disposed of.

(Hemant Kumar Srivastava, J)

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