

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3139 of 2012

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Nirmala Singh

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Utsav Kumar

For the Respondent/s : Mr. AC to GP-13

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 03-03-2017

At the very outset, Sri Utsav Kumar, learned counsel for the petitioner, in presence of learned AC to GP-13, submits that inadvertently in the limitation petition i.e. I.A. No.3534/2013, instead of mentioning Case number as M.J.C.No. 3139 of 2012, it has been typed as C.Rev. no. 54/2011 in paragraph-1, other paragraphs as well as prayer portion of the petition. He makes a prayer for allowing him to make correction and substitute Case number as M.J.C.No.3139 of 2012 in place of C.Rev. No.54/2011.

The prayer is allowed.

It may be done in course of the day.

I.A. No.3534 of 2013

The present Interlocutory Application has been filed for condoning 18 days delay in filing the restoration petition i.e. M.J.C.No.3139 of 2012.



After hearing learned counsel for the parties and facts disclosed in the petition, same is allowed. The delay in filing restoration petition i.e. M.J.C.No.3139 of 2012 stands condoned.

M.J.C.No.3139 of 2012

The present petition has been filed for restoration of C.Rev. No.54/2011, which stood dismissed due to non-compliance of peremptory order dated 18.05.2012. The reason for non-compliance of peremptory order has been assigned in the petition, particularly in paragraph no.7,8 and 9 of the petition.

In view of facts and circumstances, particularly the ground set forth in the petition, same is allowed.

Let M.J.C.No.3139 of 2012 be restored to its original file. It is clarified that if the order dated 18.05.2012 passed in C.Rev. No.54/2011 is not complied with within a period of three weeks, C.Rev. No. 54/2011 shall stand dismissed without further reference to a Bench.

(Rakesh Kumar, J)

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