

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.643 of 2016**

**IN**

**SA 485 of 1999**

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1. Ishwar Dayal Singh  
2. Parmeshwar Singh Both son of Ram Bali Singh Resident of Village Bhikham Dera (Sameda) P.S Itarhi District Buxar.

.... .... Petitioners

Versus

1. Dileshwari Devi Wife of Late Anant Singh  
2. Ram Dulari Devi Wife of Narayan Singh  
3. Radhika Devi Wife of Shiv Narayan Singh  
4. Gulabo Devi Wife of Ramnath Singh All Resident of village Bhikham Dera (Sameda), Ps. itarhi District Buxar.  
5. Birti Devi Wife of Naresh Singh Yadav Resident of Village Bagar P.s Dinara District Rohtas.

.... .... Opposite Parties.

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**Appearance :**

For the Petitioner/s : Mr. Rajni Kant Jha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**

**ORAL JUDGMENT**

**Date: 03-05-2017**

Heard the learned counsel for the petitioners.

From the perusal of the records and after considering the submissions, it transpires that by the order dated 18.03.2009 passed in S.A.No.485/1999 this Court had taken notice of the fact that the advocate engaged by the appellants in the appeal was no more and then the direct notice was directed to be issued to the appellants for taking appropriate steps in that circumstance. The service report of the said direct notice issued by this Court by order dated 30.07.2007 demonstrates that the notice was received by the



appellants. But even thereafter, no body turned up to pursue the appeal and ultimately after noticing the aforesaid fact, this Court by order dated 18.03.2009 dismissed the appeal for want of prosecution, as the appellants remained unrepresented.

The present restoration application has been presented before this Court on 15.12.2015 after lapse of nearly six years praying for restoration of the said second appeal. The learned counsel appearing on behalf of the petitioners has submitted that another advocate engaged by the appellants after the demise of their previous advocate, also expired and therefore, no body could appear when the appeal was called out on 18.03.2009. However, in the restoration petition, no name and date of the demise of another advocate have been disclosed in order to substantiate the assertion that the said advocate died before 18.03.2009 and due to the said reason the appellants remained unrepresented on 18.03.2009.

After considering the aforesaid background facts as well as submissions, this Court does not find that sufficient cause has been made out for restoration of the S.A.No.485/1999.

The restoration application is accordingly dismissed.

**(V. Nath, J)**

Nitesh/-

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