

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 1045 of 2014

In
M.A. No. 246 of 2010

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Shila Devi & Anr.

.... Petitioner/s

Versus

Rakesh Kumar Jha & Ors.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opp. Party/s : Mr. Gajendra Kr. Jha
Mr. Ashok Priyadarshi

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8. 19-04-2017 Heard Sri Rakesh Kumar, learned counsel for petitioners, Sri Gajendra Kumar Jha, learned counsel who has appeared on behalf of opposite party no. 1 as well as Sri Ashok Priyadarshi, learned counsel for opposite party no. 3/National Insurance Co. Ltd.

The present petition has been filed with a prayer to restore M.A. No. 246 of 2010, which stood dismissed on 25-09-2012, due to non-prosecution.

Learned counsel for petitioners has drawn my attention to statement made in paragraph – 3 of the petition to persuade the Court that there was *bona fide* reason for non-appearance, whereas, Sri Gajendra Kumar Jha, learned counsel for opposite party no. 1, opposing the prayer, submits that since continuously there was non-appearance on behalf of the appellants



for three dates, the appeal stood dismissed. Sri Priyadarshi submits that claim petition filed by the petitioners was rejected and against that order, petitioners had preferred an appeal. He further submits that even interim payment of Rs. 50,000/- was made to the claimants.

Be that as it may, considering the fact disclosed in the paragraph – 3 of the petition, the restoration petition is allowed.

Let M.A. No. 246 of 2010 be restored to its original file.

(Rakesh Kumar, J.)

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