

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1646 of 2016

- =====
1. Ram Chandra Tiwary, son of Bhubneshwar Tiwari.
 2. Baidya Nath Brij Nath Yadav, Son of Gulli Yadav.
 3. Krishna Kumar Mishra, son of Balram Mishra.
 4. Ram Gulam Paswan, Son of Late Dukha Paswan.
 5. Chhotgan Thakur @ Chhotken Thakur, Son of Late Ram Thakur.

All are resident of Village-Mahtopur, P.S.-Manigachhi, District-Darbhangha.

.... Petitioners

Versus

1. Kameshwar Jha.
2. Ram Narain Jha.
3. Yogeshwar Jha.

All Sons of Late Yaddu Jha, Resident of Village-Mahtopur, P.S. and P.O.-
Manigachhi, District-Darbhangha.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 29-03-2017

Heard Mr. Bhuneshwar Prasad, learned counsel appearing
for the petitioners.

The present application has been filed for restoration of S.A.No.72/2008 which has been dismissed for default for non-compliance of the order dated 05.12.2008. The present application for restoration has been filed on 21.04.2016 praying for restoration of the aforesaid second appeal. Clearly there is inordinate delay of nearly 8 years in approaching this Court by filing restoration application. There is no cogent and convincing explanation by the petitioners about the delay in filing this restoration application. It has nowhere been stated or disclosed in the petition that the petitioners who were the appellants in this second appeal, any time in between 8 years, had approached their learned counsel or made enquiry about the second appeal. The specious plea taken in the restoration



application that the learned counsel for the appellants failed to note down the order in his brief and thereafter could not remember the same later on for long 8 years is not believable. As such, this Court does not find sufficient cause for restoration.

The restoration application is accordingly dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2017
Transmission Date	

