

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.401 of 2017

In
First Appeal No. 514 of 1980

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Lal Bihari Singh & Ors

.... Petitioner/s

Versus

Ram Bhajan Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar(Asg)

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 01-03-2017 Heard the learned counsel for the petitioners.

This M.J.C. application has been filed by the petitioners for recalling the order dated 25.01.2017 passed by this court in First Appeal No.514 of 1980.

The learned counsel for the petitioners submitted that in fact, the two sons of the deceased respondent No.1 in the First Appeal are already on record as respondent Nos.3 and 4. However, on the death of respondent No.1 again they were substituted as respondent No.1(b) and 1(c). Because of this mistake, the appeal has been dismissed against respondent Nos.1(a) to 1(d). Respondent No.1(b) is Surendra Singh who is respondent No.3 and respondent No.1(c) is Yogendra Singh who is respondent No.4. Therefore, even if the appeal is dismissed against the said respondent No.1(a) to 1(d), the two sons of the deceased



respondent No.1 are already on record as respondent Nos.3 and 4, therefore, the whole appeal will not abate.

Perused the record of the First Appeal. In view of the submission of the learned counsel for the petitioners, it appears that because of some technical defects, the two sons who are already on record as respondent Nos.3 and 4 have again been substituted as respondent Nos.1(b) and 1(c). Accordingly this M.J.C. application is allowed and order dated 25.01.2017 passed in the First Appeal No.514 of 1980 is hereby recalled. The office shall place the office note again.

(Mungeshwar Sahoo, J)

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