

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2214 of 2017

In
Miscellaneous Jurisdiction Case No. 1992 of 2016

- =====
1. Ajay Sinha Son of Late Ram Janam Sinha Resident of G - 27, Sector - 25, Jalwayu Vihar at P.O. + P.S. - Noida (U.P.), District - Gautam Budh Nagar (U.P.).
 2. Sanjay Sinha Son of Late Ram Janam Sinha
 3. Aditya Sinha minor son of Sanjay Singh under the guardianship of father Sanjay Sinha Both are resident of Flat No. 2, Building 2B, Neptune Apartments, Opp. Hotel Sea Princes, Juhu Tara Road, at P.O. + P.S. Juhu, Mumbai - 400049.
 4. Dr. Ranjana Singh Wife of Late N.K. Singh and daughter of Late Ram Janam Sinha Resident of Polytechnic Road, Baker Bandh, at P.O. + P.S. - Dhanbad, District - Dhanbad.

.... Petitioner/s

Versus

1. The Estate of Late Renuka Sinha Wife of Late Ram Janam Sinha Resident of A - 10, Budha Colony, Boring Canal Road, P.O. - G.P.O., P.S. - Budha Colony, District - Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02 06.09.2017 Heard.

One Test Case no. 9/2016 was filed. In the aforesaid test case, office pointed out certain defects which were not removed within time as a result whereof the aforesaid case stood dismissed.

Petitioners filed MJC no. 1992/2016 for restoration of the aforesaid Test Case no. 9/2016. The aforesaid restoration petition i.e. MJC no. 1992/2016



was disposed of vide order dated 7.9.2016 allowing the aforesaid MJC no. 1992/2016 subject to removal of all defects within one week. However, the petitioners removed defect no.3 within the above stated period of one week but failed to remove defect no.4, as pointed out by the office and in that circumstance, order dated 7.9.2016 could not take its effect and Test Case no. 9/2016 deemed to be dismissed. Moreover, the petitioners again, filed MJC no. 1292/2017 for restoration of Test Case no. 9/2016 but subsequently, MJC no. 1292/2017 withdrew with liberty to take appropriate steps, if permissible in law. Petitioners were compelled to withdraw MJC no. 1292/2017 as the petitioners thought that Test Case no. 9/2016 had already been restored vide order passed in MJC no. 1992/2016.

The present petition has been filed for extension of period for removal of the defect but in my view, the order dated 7.9.2016 could not be made effective as the petitioners failed to remove the defect within the period as fixed by this court as a result whereof Test Case no. 9/2016 could not be restored.



However, it is pointed out that all defects have already been removed. Therefore, in the aforesaid circumstances, this petition stands disposed of with direction that Test Case no. 9/2016 be restored to its original number, if all defects have already been removed.

Shahid

(Hemant Kumar Srivastava, J)

U			
---	--	--	--

