

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.141 of 2017

In
First Appeal No. 654 of 1990

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1. Baidyanath Sah, Son of Sitaram Sah,
 2. Umesh Sah,
 3. Dinesh Sah, Both minor sons of Baidyanath Sah, All resident of Sitamarhi Bazar, Mohalla - Janki Asthan, P.S. and District - Sitamarhi.

.... Petitioner/s

Versus

1. Bishwanath Sah,
2. Ram Nath Prasad, Sons of Muneshwar Sah, Resident of Mohalla - Janki Asthan, Sitamarhi Bazar, P.S. and District - Sitamarhi.
3. Savitri Devi, W/o Jogindra Jagdeo Prasad, Resident of Mohalla - Benipatti in Motihari Town (near Mahabiri Dhawaja) P.S. & District - Motihari.
4. Tara Devi, Wife of Jogindra Prasad, Resident of Bairgania Bazar, P.S. - Bairgania, District - Sitamarhi.
5. Hari Om Sah,
6. Shambhu Sah,
7. Tun Tun Sah, minor son of Late Khemraj Sah,
8. Geeta Kumari Minor
9. Manju Kumari Minor, daughter of Late Khemraj Sah, Minor Son and daughter (Respondent No. 7 to 9) under the guardianship of Hari Om Sah, elder brother and natural guardian, All Resident of Court Bazar, Sitamarhi Town and P.S. & District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 31-01-2018

This restoration application has been filed for restoring First Appeal No. 654 of 1990 which was dismissed for default on 09.01.2017 due to non compliance of the peremptory order dated 19.12.2016.

Heard the learned counsel for the petitioners and



perused the grounds mentioned in the M.J.C.

It is submitted that the name of the appellant was printed as Baidnath Jha in place of Baidnath Sah and the lawyer's name was printed as Mithilesh Kumar Karan in place of Mithilesh Kumar Khare and that is why the case would not be marked in the cause list and with that mistake the appeal was listed on 19.12.2016 before the Hon'ble Mr. Justice Birendra Prasad Verma who passed the impugned order resulting due to non compliance the appeal was dismissed on 09.01.2017. From the order dated 19.12.2016 also it reveals that the name of Baidnath Jha & Ors have been shown as appellants in place of Baidnath Sah & Ors.

Finding the grounds sufficient for not complying the peremptory order dated 19.12.2016, First Appeal No. 654 of 1990 is hereby restored to its original file and number and the learned counsel for the petitioners is directed to comply the order dated 19.12.2016 within two weeks.

Accordingly, this M.J.C. is hereby allowed.

(Jitendra Mohan Sharma, J)

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