

IN THE HIGH COURT OF JUDICATURE AT PATNA**Miscellaneous Jurisdiction Case No.3323 of 2017****In****First Appeal No. 254 of 2013**

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1. Ashok Kumar Jha, S/o Late Ayodhya Jha, Resident of Village- Baliya, P.O.- Tisi, P.S.- Benipatti, District- Madhubani (Bihar).

..... Petitioner/s

Versus

1. Sri Anil Kumar Mishra
 2. Sri Vijay Kumar Mishra Both are sons of Sri Jatta Shanker Mishra. null
 3. Sri Jatta Shanker Mishra, S/o Late Umesh Mishra All Nos. 1 to 3 are Resident of Village- Bajjal pur (Arer), P.O. and P.S.- Arer, District- Madhubani.

..... Respondent/s

Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan

For the Respondent/s : Mr. Jyoti Prabhakar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

05 31.01.2018 Heard.

This petition has been listed under the heading to be mentioned but from perusal of record, I find that this petition has been filed for restoration of F.A. no. 254/2013 which was dismissed for non-prosecution in absence of the parties on 22.8.2017.

The contention of the petitioner is that earlier appellant was appearing in the aforesaid appeal in person but subsequently, one learned Advocate was appointed and unfortunately, on 22.8.2017 when the appeal was listed for hearing, learned counsel for



appellant could not appear before the court due to his illness as a result whereof the aforesaid F.A. no. 254/2013 stood dismissed.

In view the aforesaid submissions as well as taking this view that the appeal should be disposed of on merit, this MJC is allowed and accordingly, F.A. no. 254/2013 is ordered to be restored to its original file and number.

In the aforesaid manner, this MJC stands disposed of.

Shahid

(Hemant Kumar Srivastava, J)

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