

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1111 of 2013

In
Miscellaneous Appeal No.93 of 2011

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1. Rajeshwar Prasad @ Rajeshwar Prasad Singh, Son of Late Narsingh Singh.
2. Smt. Bachhi Devi, W/o Sri Rajeshwar Prasad,
Both are resident of village – Ladma, P.S.-Barh, District - Patna

... .. Petitioner/s

Versus

The Union Of India represented through the General Manager, East Central
Railway, Hazipur (Bihar)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar-1
For the Respondent/s : None.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 10-09-2018

Re.: I.A. No. 4510 of 2018

Learned counsel for the petitioners is present. None
turned up on behalf of the respondent despite putting
appearance in the case.

Petitioners have filed the aforesaid interlocutory
application for condonation of delay of 10 days in preferring
this MJC application with the case that M.A. No. 93 of 2011
filed by the petitioners was dismissed on 10.01.2013. As the
petitioners happen to be gullible villager they had no knowledge



of the aforesaid dismissal order rather learnt the fate of the case through the letter dated 10.02.2013 written to them by their advocate. After knowing the same, they contacted their learned counsel and filed this petition on 21.02.2013. There has been no deliberate and intentional latches on their part for the aforesaid delay made in filing this MJC application.

Respondent has not filed any rejoinder against the aforesaid petition.

In the facts and circumstances of the case, delay in filing present MJC application is condoned and accordingly aforesaid interlocutory application is allowed.

Re.: M.J.C. No. 1111 of 2013

Petitioners have filed the aforesaid MJC application for re-admission of the M.A. No. 93 of 2011 to its original file with the case that the aforesaid appeal was fixed for hearing on 10.01.2013, but the learned counsel for the petitioners could not mark the same and hence he could not turn up to advance argument in the case on 10.01.2013. Consequently, aforesaid appeal was dismissed for default. There has been no deliberate and intentional latches on the part of the petitioners in dismissal of the aforesaid appeal.

In the facts and circumstances of the case and in the



interest of justice, M.A. No. 93 of 2011 is readmitted to its
original file and aforesaid MJC application is allowed.

(Prakash Chandra Jaiswal, J)

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