

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1619 of 2016

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Rabindra Saw

.... Petitioner/s

Versus

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.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Sahay Jamuar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

07 05.07.2018 Heard learned counsel for the petitioner on I.A. no. 3915/2018 as well as on the point of admission of this petition.

It would appear that the petitioner filed Test Case no.2/2012 which stood dismissed on 7.3.2013 due to non-compliance of peremptory order of this court. The petitioner against the aforesaid dismissal order filed present petition on 21.4.2016 for restoration of above stated Test Case no.2/2012.

Admittedly, present restoration petition has been filed after three years of dismissal of Test Case no.2/2012. However, to condone the delay of filing restoration petition, the petitioner has filed I.A. no. 3915/2018 stating therein that he fell ill and was advised to bed rest and that was the reason, he had not



come to Patna to take steps for compliance of order of this court.

Considering the aforesaid facts and circumstances as well as submissions of learned counsel for the petitioner, delay in filing this restoration petition is condoned and accordingly, Test Case no.2/2012 is ordered to be restored to its original number. However, petitioner must comply the order passed in Test Case no.2/2012 within six weeks from the date of its restoration, failing which the aforesaid Test Case no.2/2012 shall be deemed to be dismissed for non-compliance of order of this court.

In the aforesaid manner, I.A. no. 3915/2018 stands disposed of.

Shahid

(Hemant Kumar Srivastava, J)

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