

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1477 of 2017

In
First Appeal No.672 of 1995

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Jagdish Narayan Singh & Ors

... .. Petitioner/s

Versus

Gauri Shankar Singh & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 06-07-2018 Heard.

This application has been filed on behalf of the appellants for restoration of I.A. No.3847 of 2016, filed under Order XXII Rule 4 of the Code of Civil Procedure, for expunging the name of the respondent no.2(2), namely, Birendra Kumar Singh, by substituting the name of his legal heirs in his place, which stood dismissed for non compliance of the Court's peremptory order dated 30.03.2017 passed in First Appeal No.672 of 1995, for removing the defect(s), as pointed out by the office vide its notes dated 10.05.2016.

Learned counsel for the appellants submits that after dismissal of I.A. No.3847 of 2017, the appellants have already removed the defect(s), as pointed by the office vide its notes dated 10.05.2016, by filing the supplementary affidavit in I.A.



No.3847 of 2016, after expiry of the period to remove the defect(s), as pointed out by the office vide its notes dated 10.05.2016, granted by a Bench of this Court in First Appeal No.672 of 1995.

In view of the aforesaid submissions, I.A. No.3847 of 2016 is restored to its original file and number, subject to verification by the office about the compliance of the Court's peremptory order dated 30.03.2017 passed in First Appeal No.672 of 1995, for removal of the defect(s), as pointed out by the office vide its notes dated 10.05.2016, by filing supplementary affidavit in I.A. No.3847 of 2016.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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