

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3456 of 2017

In

C.Misc. 132 of 2016

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Madhu Gupta & Ors

.... Petitioner/s

Versus

Baliram Prasad & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 17-01-2018 Heard Mr. J.S.Arora, learned senior counsel for the
petitioners.

This restoration petition is filed for restoration of Civil Miscellaneous No.132 of 2016 which was dismissed against respondent Nos.1, 2 and 5 namely Baliram Prasad, Arbind Kumar and Aditya due to non-compliance of the peremptory order dated 01.05.2017.

The learned counsel for the petitioners submits that vide order dated 01.05.2017, two weeks peremptory time was allowed for taking steps for fresh service of notice upon the respondent Nos.1, 2 and 5 through both modes. The petitioner filed requisition on 16.05.2017 excluding the date of order but the office calculated that last date was 15.05.2017 and accordingly due to non-compliance of the peremptory order, civil



miscellaneous case was dismissed against respondent Nos.1, 2 and 5.

Taking into consideration the reasons stated by the learned counsel for the petitioners, the dismissal of Civil Miscellaneous No. 132 of 2016 against respondent Nos.1, 2 and 5 is restored to its original file and this M.J.C. application is accordingly allowed.

The office is directed to issue notice already filed on 16.05.2017 against respondent Nos.1, 2 and 5.

(Prabhat Kumar Jha, J)

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