

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.170 of 2015

In
Second Appeal No.436 of 2011

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1. Raghunandan Mandal
 2. Sikandar Mandal
 3. Subhash Mandal all sons of Late Kishun Mandal @ Kishan Mandal All residents of village - Rajabar, P.S. Rajoun, Distt. - Banka

... .. Petitioner/s

Versus

1. Most. Yogmaya Devi W/o Late Arjun Mandal
2. Sachidanand Singh
3. Arun Kumar Singh
4. Dilip Kumar Singh
5. Binod Kumar Singh
6. Manoj Kumar Singh
7. Sanjay Kumar Singh all sons of Late Arjun Mandal
8. Ranjan Devi
9. Meena Devi
10. Renu Devi @ Mandal all daughters of Late Arjun Mandal All residents of village - Rajabar, P.S. Rajoun, Distt. - Banka
11. Mahendra Mandal son of Late Kishori Mandal
12. Smt. Jhuria Devi wife of Kanhai Mandal
13. Smt. Chandrika Devi wife of Manohar Mandal
14. Manju Devi wife of Mahesh Mandal All residents of village - Rajabar, P.S. Rajoun, Distt. - Banka
15. Manchar Mandal
16. Kanhai Mandal
17. Mahesh Mandal All sons of Late Ram Charan Mandal All residents of village - Chakchamu, P.S. Mahagama, District - Godda (Jharkhand)
18. Fuchia Devi daughter of Late Ramcharan Mandal W/o Ramdhan Mandal R/o village - Harchandi, P.S. Rajoun, District - Banka
19. Daso Devi
20. Ushmi Devi
21. Ranjo Devi All daughters of Late Kishun Mandal R/o village - Rajabar, P.S. Rajoun, Distt. - Banka

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 09-10-2018

During the pendency of MJC No. 6439 of 2013, this



application for restoration of S.A.No. 436 of 2011 has been filed. There is objection by the Registry that the second appeal is not maintainable. The objection of the Registry deserves to be sustained.

Explaining the reason why the second restoration application was filed, learned counsel for the petitioners states that it was out of inadvertence since the file was handed over to him, after obtaining 'no objection certificate' from another counsel on 08.01.2015. Learned counsel for the petitioner did not have the idea of filing of the restoration application, before he filed the second restoration application on 16.01.2015. Mistake on the part of the learned counsel and even the petitioners, though appears to be out of inadvertence and *bonafide*, this application cannot be maintained.

This application is accordingly dismissed as being not maintainable with a liberty to the learned counsel for the petitioners to take fresh steps for restoration of S.A. No. 436 of 2011.

(Chakradhari Sharan Singh, J)

HR/-

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