

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2723 of 2018

In
Miscellaneous Appeal No.1081 of 2016

Prabhawati Devi, W/o Late Ram Awadhesh Pandey, R/o Village-Domandihra,
P.S. Agiown Bazar, Anchal-Piro, District-Bhojpur.

... .. Petitioner/s

Versus

Mutani Kunwar & Anr.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Respondent/s :

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

ORAL ORDER

3 29-10-2018 Heard learned counsel for the petitioner.

This M.J.C. application has been filed by the petitioner for restoration of Miscellaneous Appeal no. 1081 of 2016 to its original file with the case that in the said case as the certified copy of the impugned order filed by the petitioner bears Miscellaneous Appeal no. 2B/10 instead of Miscellaneous Petition No. 2B/10, the petitioner was directed to file fresh certified copy of the impugned order vide order dated 08.11.2017, but as the same could not be filed on 08.12.2017, four weeks more time was granted to comply the aforesaid order and due to non-compliance of the aforesaid order, the aforesaid miscellaneous appeal was dismissed on 05.01.2018. Learned counsel for the petitioner informed her about the



aforesaid order of this Court dated 08.12.2017 and on learning the same, the petitioner tried her best to procure the corrected certified copy of the impugned order, but as the record of the court below was traceless, the aforesaid order could not be complied and on tracing out of the said record, the petitioner filed petition for correction of the impugned order dated 06.12.2016 and the petitioner got corrected certified copy of the order on 23.06.2018, then she approached her learned counsel and handed over the same to him, but in the meanwhile, the case was dismissed due to non-compliance of the aforesaid order. There is no deliberate and intentional laches on the part of the petitioner in dismissal of the aforesaid case rather it happened due to aforesaid unavoidable reason.

In the facts and circumstances and in the interest of justice, the Miscellaneous Appeal no. 1081 of 2016 is restored to its original file and this M.J.C. application is allowed.

(Prakash Chandra Jaiswal, J)

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