

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1054 of 2016

In
MA 862 of 2012

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Md. Hira & Anr

.... Petitioner/s

Versus

Vijay Mishra & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 30-10-2018 This restoration application has been filed for restoring M.A. No. 862 of 2012 to its original file with the case that in the aforesaid appeal the appellants were directed to remove the defect within two weeks by order dated 17.02.2014. As the case was not marked by the Advocate's Clerk inadvertently, hence the learned counsel for the appellants could not appear in the case and take necessary steps for want of knowledge. However, he received SMS from the High Court on 22.02.2016 that the appeal stood dismissed for non compliance of the order dated 17.02.2014. Thereafter, he learnt about the fate of the case and took necessary step.

There has been no intentional and deliberate latches on the part of the petitioners in dismissal of the aforesaid miscellaneous appeal.



Considering the facts and circumstances of the case and in the interest of justice, M.A. No. 862 of 2012 is restored to its original file and accordingly this application is allowed.

(Prakash Chandra Jaiswal, J)

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