

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.506 of 2017

In

SA 219 of 1998

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Rajiv Kumar, son of Sri Bhanudev Prasad resident of Mohalla - High School Para, Police Station and Dist. Katihar.

.... Petitioner/s

Versus

1. Union of India through the Secretary Central Department of Revenue, New Delhi.
2. The General Manager, N.F. Railway, Maligaon, Assam.
3. The Collector, Katihar.
4. The Circle Officer, Katihar Anchal, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

8 18-06-2018 This application has been preferred under Section 151 of the Code of Civil Procedure for restoration of Second Appeal No. 219 of 1998 which was dismissed on 12.12.2001 for non-compliance of Court's order dated 28.11.2001.

I.A. No. 431 of 2018 is a petition under Section 5 of the Limitation Act for condonation of delay in filing this petition under Section 151 C.P.C. The State-respondents have no objection in condoning the delay and allowing the prayer of the petitioner.

On the last date, learned counsel for the respondent no. 2 had submitted that he would file a written objection within two weeks. However, no objection has been filed nor any one is



appearing on behalf of respondent no. 2-the General Manager,
Northern Frontier Railway, Maligaon, Assam.

For substantial justice, the dismissal is set aside and
second appeal is ordered to be restored to its original file on
payment of cost of Rs.5,000/- to be deposited in the Victim
Compensation Fund within four weeks.

Accordingly, I.A. No. 431 of 2018 stands disposed of.

(Birendra Kumar, J)

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