

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.189 of 2018

In

MA 846 of 2012

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Reliance General Insurance Co. Ltd. Through Its Manager Claims, 38B,
Jawahar Lal Nehru Road, Himalaya house, 8th Floor, Kolkatta, West
Bengal.

.... Petitioner/s

Versus

1. Punam Devi, W/o Late Raj Kishore Jayswal, Resident of Village-Saidpur, Post-Devpura, P.S.-Nawkothe, District-Begusarai.
2. Sanjay Kumar, S/o Ram Anugrah Prasad Singh, Resident of Village and Post Office-Dumri, P.S.-Barahiya District-Lakhisarai, Bihar.
3. Jhari Mahto, S/o Prabhu Mahto, Resident of Village and Post Office-Manghul, P.S.-Cheriya Bariyarpur, District-Begusarai, Bihar.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

4 21-02-2018

Re.: I.A. No. 1006 of 2018

This interlocutory application has been filed for condonation of delay of 82 days in filing the present restoration petition on the ground that the learned counsel for the petitioner did not get any information about the dismissal of the appeal. He was informed by the officer of Insurance Company on 17.01.2018 regarding the fate of the case. Hence there is no deliberate delay and laches on the part of the petitioner in filing the restoration petition.

Learned counsel for opposite parties did not raise



any objection.

Considering the facts and circumstances of the case, I find sufficient ground to condone the delay in filing the restoration petition. Accordingly, the aforesaid delay is condoned.

The interlocutory application is allowed.

Re.: M.J.C. No. 189 of 2018

This restoration petition has been filed for restoration of M.A. No. 846 of 2012 which was dismissed for default on 22.09.2017 with the case that the learned counsel for the petitioner was suffering from ailment and due to the aforesaid reason, he could not appear in the court on the said date and the case was dismissed for default.

Learned counsel appearing on behalf of opposite parties did not raise any objection against the aforesaid prayer.

The ground taken by the petitioner for restoration of the aforesaid miscellaneous appeal appears to be sufficient. Hence, restoration application is allowed and Miscellaneous Appeal No. 846 of 2012 is restored to its original number.

(Prakash Chandra Jaiswal, J)

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