

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.719 of 2016

In

SA 302 of 2004

- =====
1. Laxman Sah @ Laxman Prasad Sah
 2. Arun Kumar Sah Son of Laxman Sah Both residents of village -
Lilatari, Police Station - Rajoun, District - Bhagalpur at Present Banka

.... Petitioner/s

Versus

Uma Kant Rao Son of Krishna Rao resident of village - Lilatari, Police
Station - Rajoun, District - Bhagalpur at Present Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambuj Nayan Chaubey, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 21-06-2018 I.A. No.1690 of 2016 has been filed seeking
condonation of delay in filing the present restoration application.

After having considered the statements made in the
interlocutory application, this Court is of the view that the
petitioner has been able to satisfy this Court that he was prevented
from reasonable cause leading to delay in filing of the restoration
application.

I.A. No.1690 of 2016 is accordingly allowed and delay
stands condoned.

This appeal has been filed for restoration of Second
Appeal No.302 of 2004, which is stood dismissed for default on



26.08.2008 for non-compliance of the peremptory order dated 19.08.2008.

Learned counsel appearing on behalf of the petitioner states that order of this Court dated 19.08.2018 was complied with within time but the office has wrongly reported that the said compliance was made after expiry of the peremptory time.

Be that as it may, since the requisites have admittedly been filed, the application for restoration of Second Appeal No.302 of 2004 is allowed and Second Appeal No.302 of 2004 is restored to its original file.

Let the office proceed accordingly.

(Chakradhari Sharan Singh, J)

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