

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No. 4239 of 2016**

**In**

**C.R. 5 of 2014**

=====

Rajesh Ram

.... .... Petitioner/s

Versus

Garajan Chamar & Ors

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Mohammed Abu Haidar

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**

**SRIVASTAVA**

**ORAL ORDER**

3 24-01-2018

Heard.

The present petition has been filed for restoration of C.R. No. 05 of 2014 which stood dismissed on 25.03.2015 due to non-compliance of peremptory order dated 18.03.2015.

Learned counsel appearing for the petitioner submits that vide order dated 18.03.2015 the petitioner was directed to take step for issuance of notice to opposite party no. 9, namely, Pyari Kuer but as a matter of fact, the aforesaid opposite party no. 9, namely, Pyari Kuer had much earlier died before filing C.R. No. 05 of 2014 but inadvertently, she was made party to the aforesaid C.R. No. 05 of 2014 though her legal heirs were already made party to the aforesaid C.R. No. 05 of 2014.

In view of the aforesaid submissions as well as averments made in the present petition, this restoration petition



stands disposed of restoring C.R. No. 05 of 2014 to its original number and file, subject to condition that petitioner must file fresh interlocutory application within four weeks for modification of order dated 18.03.2015 passed in C.R. No. 05 of 2014, failing which the present order shall not take its effect.

**(Hemant Kumar Srivastava, J)**

SHAHZAD/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

