

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2762 of 2017**

**In**  
**First Appeal No. 399 of 1989**

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|                       |        |      |              |
|-----------------------|--------|------|--------------|
| Ganesh Thakur         | ....   | .... | Petitioner/s |
|                       | Versus |      |              |
| Hira Lal Thakur & Ors | ....   | .... | Respondent/s |

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Tiwari

For the Respondent/s :

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

3      10-07-2018                      Heard learned counsel for the petitioner and perused the record.

This application has been filed for restoration of First Appeal No. 399 of 1989 to its original file which stood dismissed for non-compliance of order dated 27.04.2017.

It appears that the appellant was directed to file deficit court fee of Rs.949.85 paisa, but the peremptory order was not complied and in consequence of which First Appeal No. 399 of 1989 stood dismissed on 11.05.2017.

The petitioner has annexed the medical certificate of doctor to show that the sole appellant was suffering from Jaundice and he remained on bed rest from March 2017 to August 2017. This application is supported with an affidavit.

Considering the explanation of petitioner for non-compliance of the said order, this restoration application is



allowed and First Appeal No. 399 of 1989 is restored to its original file.

The appellant is directed to file deficit court fee of Rs. 949.85 paisa as ordered earlier, within two weeks.

**(Sanjay Kumar, J)**

Mahesh/-

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