

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3452 of 2017

In
First Appeal No. 210 of 2006

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Bijay Raja Prasad Bubna & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Respondent/s : Mr. Khurshid Alam - Aag 12

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 06-09-2018

Heard learned counsel for the appellants and learned counsel appearing on behalf of the Union of India as well as learned counsel for the State of Bihar.

It appears that the present appeal was dismissed for non-prosecution on account of non-appearance of counsel for the appellants. Thus, the present restoration application.

Learned counsel for the appellants submits that the order by which the appeal was dismissed was on account of reason that the list of the learned counsel had not been marked due to inadvertence and, therefore, in the interest of justice the cause of the appellants would suffer if their case is not restored to its original file.

Learned counsel for the appellants has also brought on record a medical prescription assigning the reason for his



non-appearance on the concerned date.

In view of the aforementioned reasons cited by the learned counsel for the appellants and since the latches was not on the part of the appellants, but on account of unavoidable reasons as stated by the learned counsel for the appellants, let the First Appeal No. 210 of 2006 be restored to its original file.

The restoration application stands allowed.

(Anjana Mishra, J)

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