

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.3357 of 2018**

**In**  
**Miscellaneous Appeal No.66 of 2013**

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Regional Manager, Oriental Insurance Co. Ltd. Pirmuhani Patna-3/and Opp.  
Party No. 3, in the claim case.

... .. Petitioner/s

Versus

1. Upramila Devi and Ors W/o deceased Raj Kumar Bind. (claimant no. 1 in the claim case), Resident of Village- Dumra, P.S.- Dhanarua, District- Patna.
2. Vikash Kujmar (claimant no. 2), minor son of deceased Raj Kumar Bind, respondent no. 2 minor under the guardianship of her mother Resident of Village- Dumra, P.S.- Dhanarua, District- Patna.
3. Mantush Kumar, (Claimant no. 3) minor Son of deceased Raj Kumar Bind, respondent no. 3 minor under the guardianship of her mother Resident of Village- Dumra, P.S.- Dhanarua, District- Patna.
4. Phulparia Devi, W/o Late Milapi Bind (Claimant No. 4) mother of deceased Raj Kumar Bind. Resident of Village- Dumra, P.S. Dhanarua, District- Patna.
5. Om Prakash (Opp. Party no. 1 in claim case) S/o Gauri Shankar Sharma, Driver of Maruti no. JHO-iF- 2546, Mohalla New Area Bishar Talab, P.S. Civil Line, District- Gaya.
6. Varun Kumar Sinha (opp. Party No. 2 in the Claim Case), S/o Deonandan Prasad Sinha, owner of Maruti no. JHO-1F-2546, Mohalla New Area Bishar Talab, P.S.Civil Line, District- Gaya.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Arun Kumar Shrivastava  
For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

4      13-02-2019                      Heard the learned counsel for the petitioner.

The petitioner has filed the aforesaid application for restoration of Miscellaneous Appeal No. 66 of 2013 to its original file with the case that in the aforesaid case, notice was directed to be issued to respondent nos. 5 and 6 by both process for which requisites etc. was required to be filed within one week after Summer Vacation, peremptory but as learned counsel



for the petitioner was out of Patna for sometime after Summer Vacation, hence, due to his absence, proper step could not be taken. Consequently the said appeal was dismissed on 25.06.2018. However, the petitioner filed requisites etc. on 02.08.2018. There has been no intentional and deliberate laches on the part of the petitioner in the dismissal of the aforesaid case.

In the facts and circumstances of the case and finding substance in the petition aforesaid Miscellaneous Appeal No. 66 of 2013 is restored to its original file and this MJC application is allowed.

**(Prakash Chandra Jaiswal, J)**

sushma/-

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