

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3676 of 2018

In
SECOND APPEAL No.115 of 1989

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Dulchan Paswan @ Dukhan Paswan

... .. Petitioner/s

Versus

Kapil Deo Singh and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suresh Mishra, Adv.

For the Opposite Party/s : Mr.Ravindra Kumar Shukla, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

7 30-08-2019

I.A. No. 2 of 2019

Heard parties.

This interlocutory application has been filed on behalf of petitioners that during pendncy of petition appellant no.5/petitioner no.2 has attained majority as such he may be permitted to contest this restoration of the Second Appeal as major for which Vakalatnama on behalf of appellant no.5/petitioner no.2 has already been filed.

In view of the above, the interlocutory application is allowed and appellant no.5/petitioner no.2 is



permitted to contest this appeal as a major.

I.A. No. 7256 of 2018

Heard parties.

This is an application for condonation of limitation in filing restoration application for restoration of Second Appeal no. 115 of 1989.

For the sufficient reasons mentioned in this interlocutory application, the delay in filing the restoration petition is condoned.

As a result, this interlocutory application is allowed and the delay in filing the restoration petition is hereby condoned.

M.J.C. No. 3676 of 2018

Heard the parties.

This application has been filed for restoration of Second Appeal No. 115 of 1989 which was dismissed for default for non-compliance of peremptory order dated 26.08.2015.

Sufficient reasons has been shown for non-compliance of peremptory order dated 27.01.2016 resulting in dismissal of Second Appeal on 26.08.2015.

The order dated 26.08.2015 is recalled and the



Second Appeal is restored to its original file.

The restoration application is allowed.

(S. Kumar, J)

Rajiv/-

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