

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4993 of 2018

Smt. Akli Devi

... .. Petitioner/s

Versus

Sri Ayodhya Sao and Ors

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Pankaj Maijorwar

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

ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner.

This MJC petition has been filed for restoration of M.A. No. 244 of 2013 to its original file with the case that vide peremptory order dated 09.05.2018 of this court, petitioner was directed to take step for issuance of notice upon respondent nos. 3 to 6, 8, 9 and 12 within one week after Summer Vacation, but as the advocate clerk of the learned counsel for the petitioner fell ill after reopening of the court after Summer Vacation, he entrusted the file to his colleague to take step in the case, but unfortunately step could not be taken while the advocate clerk and the counsel for the petitioner were under bonafide impression that step in the case has been taken. Hence due to not taking of the step and non-compliance of the aforesaid order, the appeal stood dismissed. There is no intentional and deliberate



laches on the part of the petitioner in dismissal of the appeal rather it was due to aforesaid reasons.

In the facts and circumstances of the case, M.A. No. 244 of 2013 is restored to its original file and accordingly this MJC petition is allowed.

Petitioner is directed to take step in compliance of the order dated 09.05.2018 of this court within two weeks by way of last indulgence.

(Prakash Chandra Jaiswal, J)

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