

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5128 of 2018

In
SECOND APPEAL No.414 of 2008

=====

Nathuni Singh & Ors

... .. Petitioner/s

Versus

Jagan Singh & Ors

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 09-07-2019 Heard learned counsel for the petitioners.

This petition is filed for restoration of Second Appeal No.414 of 2008, which was dismissed due to non-compliance of peremptory order dated 10.05.2012.

It appears that the appeal was filed beyond the limitation period and by order dated 18.04.2011 the appellants were directed to file petition for condonation of delay. By peremptory order dated 10.05.2012, the appellants were directed to take steps for fresh service of notice on respondent nos.2, 3 and 5 under registered cover as well as by ordinary process within two weeks and to remove the defects as pointed out by the stamp reporter within four weeks but the said peremptory order was not complied and consequently the second appeal stood dismissed. The petitioners, who were appellants, filed this



restoration petition only after lapse of more than six years but no satisfactory explanation is given.

Having considered the facts aforesaid, I do not find any reason to restore the second appeal. Accordingly, this restoration petition is rejected.

(Prabhat Kumar Jha, J)

Harish/-

U			
---	--	--	--

