

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3812 of 2017

In
Miscellaneous Appeal No.419 of 2014

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1. Chhote Khan son of Late Siraj Khan
 2. Bibi Nazda Khatoon wife of Chhote Khan
 3. Bibi Razia Khatoon daughter of Chhote Khan All residents of village Post Office - Nainaghat, Via - Sakri, Police Station - Darbhanga Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

1. The Office Of The New India Assurance Co. Ltd. and Ors Vehicle insured on 17.07.2001 which is valid upto 16.07.2012. Vehicle was insured vide policy no. 3151050070396.
2. The Branch Manager, New India Assurance Company Ltd., Kapasiya Chowk, Begusarai, P.O. P.S. and Dis
3. Sk. Qamre Alam son of Late Md. Serajuddin 6 Collin Lane Kolkata, 700016/Owner of the Vehicle Tankar No. WB - 03/617.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 23-10-2019 Petitioners have filed this petition for restoration of M.A. No. 419 of 2014 to its original file with the case that aforesaid case was listed on 23.11.2017 under the heading “For hearing Under Order 41 Rule 11 CPC, but as the learned counsel for the petitioners was arguing in some other court, so he could not attend the case and consequently said case was dismissed for non-prosecution of the petitioners on the said date. There is no deliberate and intentional laches on the part of the petitioners in



dismissal of the aforesaid appeal.

In the facts and circumstances of the case, M.A. No. 419 of 2014 is restored to its original file and accordingly aforesaid restoration petition is allowed.

(Prakash Chandra Jaiswal, J)

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