

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2985 of 2018

In
Miscellaneous Appeal No.628 of 2014

Branch Office, Reliance General Insurance Company Limited, Bandar Bagicha, Dakbungalow Chowk, Patna, Appeal and Appellant through the Branch Manager & Constituted Attorney, Reliance General Insurance Company Limited, Branch Office at Kaushalaya Estate, Bandar Bagicha, Dak Bungalow Road, Patna-1.

... .. Petitioner/s

Versus

1. Madhu Manjhi and S/o Lt. Jabran Manjhi
2. Rajendra Prasad Manjhi S/o Lt. Jabran Manjhi
All the above are resident of Village-Chilkara, P.S. Katoria, Dist. Banka
3. Jogendra Das S/o Lt. Atbari Das Resident of Village-Bhadsar, P.S. and Dist. Banka. (Driver of the Vehicle)
4. Raj Kamal Singh S/o Sri Prakash Singh Resident of Ramchuwa Bari, Bhagalpur, at Present Lakhi Babu ka Bagicha, D.N. Singh Road, Khar Chowk, P.S.-Kotwali, Bhagalpur.

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner and O.P.
Nos. 1 and 2.

This M.J.C. application has been filed by the petitioner for restoration of M.A. No. 628 of 2014 to its original file with the case that in the aforesaid appeal the order for taking steps for issuing notice upon the respondents within four weeks was passed on 22.08.2017, but as the advocate clerk met an accident and lost the brief on the way, the aforesaid order could not be complied for want of knowledge and accordingly, for



non-compliance of the said order, the aforesaid appeal stood dismissed. There has been no deliberate and intentional laches on the part of the petitioner in dismissal of the aforesaid appeal rather due to aforesaid reason.

As per the submission of the petitioner, after dismissal of the aforesaid appeal, the respondent nos. 1 and 2 have put their appearance in the case.

In the facts and circumstances and in the interest of justice, the M.A. No. 628 of 2014 is restored to its original file and the present M.J.C. application is allowed.

(Prakash Chandra Jaiswal, J)

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