

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4258 of 2016

In
SECOND APPEAL No.124 of 2014

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Pramod Kumar Gupta

... .. Petitioner/s

Versus

Vijay Kumar

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 18-04-2019 Heard learned counsel for the petitioner.

This M.J.C. petition has been filed for restoration of Second Appeal No.124 of 2014, which was dismissed for non-compliance of peremptory order dated 13.07.2015 by which this court directed the appellant to remove defect nos.2, 3 and 4 within three weeks.

Learned counsel for the appellant submits that since the appellant could not be able to obtain certified copy of the decree under appeal, he was not in a position to remove the defects. It is further submitted that in view of amendment made in Order 41 Rule 1 and Order 20 Rule 6A of the CPC, the decree is not required to be appended with the memo of appeal. The limitation shall start from the date of judgment and not from the date of decree.



Taking into consideration the facts that on account of bonafide reason the appellant could not be able to remove the defects, this restoration petition is allowed and Second Appeal No.124 of 2014 is restored to its original file.

(Prabhat Kumar Jha, J)

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