

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4105 of 2016

In
SECOND APPEAL No.103 of 2009

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Jitendra Kumar Singh and Ors

... .. Petitioner/s

Versus

Panchanand Shukla

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhubneshwar Prasad
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 08-07-2019 Heard the learned counsel for the petitioners.

The learned counsel for the petitioners submits that S.A. No. 103 of 2009 was listed on 19.03.2010 and the court directed the appellants to file certified copy of decree under appeal within one month but the order dated 19.03.2010 was not complied. Consequently, the Second Appeal stood dismissed. It is submitted that Rajendra Singh, one of the appellants, was Pairvikar and he got paralytic attack and became ill, therefore, the MJC is filed only after death of Rajendra Singh. It is further submitted that if the Second Appeal is not restored the appellants shall suffer irreparable loss.

Having considered the facts aforesaid and being satisfied with the reasons shown, this MJC is allowed and S.A. No. 103 of 2009 is restored to its original file subject to



payment of cost of Rs. 5,000/- in the head of Patna High Court
Legal Services Committee within one month.

If the petitioners fail to deposit cost of Rs. 5,000/-
within one month, the restoration petition shall stand dismissed.

(Prabhat Kumar Jha, J)

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