

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.986 of 2017

In
SECOND APPEAL No.443 of 1998

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Gopal Jee Prasad and Ors

... .. Petitioner/s

Versus

Nathuni Prasad and Anr

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.Rakesh Chandra

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-04-2019 Learned counsel for the O.P. No.1 submits that O.P. No.1 is representing the interest of O.P. No.2. Therefore, No notice is required to be issued on O.P. No.2.

Learned counsel for the petitioners submits that Second Appeal No.443 of 1998 was dismissed for non-compliance of the peremptory order dated 16.01.2017. The appeal was admitted on 30.06.2000. The case was listed on 16.01.2017 under the heading for office notes before Hon'ble Mr. Justice V. Nath but list could not be marked and, therefore, the S.R. defect Nos.2 and 3 could not be removed.

Learned counsel for the opposite parties did not object the prayer of the learned counsel for the petitioners for restoration of Second Appeal No.443 of 1998.

Having considered the facts aforesaid and on being



satisfied with the reasons stated in the petition, this M.J.C. is allowed. Second Appeal No.443 of 1998 is restored to its original file.

Learned counsel for the appellants of Second Appeal No.443 of 1998 is directed to remove the defects within three weeks. List this Second Appeal itself on 26.06.2019 under the appropriate heading.

(Prabhat Kumar Jha, J)

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