

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.84 of 2018

In
Miscellaneous Appeal No.435 of 2014

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1. Krishna Deo Sharma and Anr Son of Late Ramsevak Singh,
 2. Smt. Kamlesh Devi, Wife of Krishna Deo Sharma. Both Resident of Village-Vali, Police Station-Konch, District-Gaya, At Present Residing at M/s Coal Depot, Chandani Chowk, Saharsa.

... .. Petitioner/s

Versus

1. Rajendra Singh and Ors Son of Late Deo Sundar Singh, Resident of Village-Lohia Nagar, Police Station-Nagar, District-Begusarai.
2. Ramsharan Kumar Yadav, Son of Bindeshwari Yadav, Resident of Village-Babrahi, Police Station-Sahebpur Jamal, District-Begusarai.
3. National Insurance Company Ltd. Middle Town Street, Cakcutta-700001.
4. M. Venkateshwar Rao, Son of Sri Tripataya, Resident of Village-Mogal-Rajay, Puran Vijaywada, District-Krishna , Andhra Pradesh.
5. The New India Assurance Company Ltd. Head Office-New India Assurance Company, 87, Mahatma Gandhi, R

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Bijpuria
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

6 06-02-2019

I.A. No. 01 of 2019

Heard learned counsel for the petitioners and perused the record.

Petitioners have filed the aforesaid interlocutory application for condonation of delay of 4 days in preferring the MJC application with the case that affidavit in the present case was sworn on 05.01.2018 but due to illness of the learned counsel for the petitioners and oversight of his clerk, it could not be filed within time. There is no deliberate and intentional



laches on the part of the petitioners in filing the application within time rather due to the aforesaid reason.

Having regard to the facts and circumstances of the case, and the reason assigned for condonation of delay, the delay in preferring the application is hereby condoned and aforesaid I.A. is accordingly allowed.

MJC No. 84 of 2018

The petitioner has filed the aforesaid MJC for restoration of M.A. No. 435 of 2014 to its original file with the case that the aforesaid case was fixed under the heading For Hearing under Order 41 Rule 11 CPC on 06.12.2017. But as learned counsel for the petitioners was engaged before another Bench and could not attend the call hence the aforesaid case was unfortunately dismissed for non-prosecution. There has been no deliberate and intentional laches on the part of the petitioners in the aforesaid dismissal of the case.

Having regard the facts and circumstances and finding substance in the petition, the aforesaid miscellaneous appeal is hereby restored to its original file.

Accordingly, this MJC application is allowed.

(Prakash Chandra Jaiswal, J)

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