

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1631 of 2018

In
SECOND APPEAL No.350 of 2013

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Mumtaz Rahman

... .. Petitioner/s

Versus

Md. Hasmat Ali and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-07-2019 Heard learned counsel for the petitioner.

This M.J.C. is filed for restoring Second Appeal No.350 of 2013 which was dismissed due to non-compliance of the order dated 30.03.2016.

Learned counsel for the petitioner submits that learned counsel appearing on behalf of the appellant could not mark the case and, therefore, the peremptory order dated 30.03.2016 could not be complied and consequently, the Second Appeal stood dismissed due to non-compliance of the peremptory order. The petitioner would suffer irreparable loss if the Second Appeal is not restored.

Being satisfied with the reasons, the restoration petition is allowed. Second Appeal No.350 of 2013 is restored to its original file, subject to payment of cost of Rs.5,000/- in the



head of High Court Legal Services Authority. If the cost is not paid within 30 days, this restoration petition shall be deemed to be dismissed.

(Prabhat Kumar Jha, J)

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