

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.545 of 2016

In
SECOND APPEAL No.10 of 2005

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1. Rabindra Singh.
2. Devendra Singh @ Devendra Pd. Singh.
3. Arun Singh.
4. Subodh Singh, All sons of Badri Narayan Rai.
5. Upendra Singh.
6. Sunil Singh.
7. Kailash Singh, All sons of Late Ramjee Rai.
8. Phool Kumari Devi @ Bhool Kumari Devi.
9. Badri Narayan Rai @ badri Narayan Singh @ Badri Rai, Son of Late Ragho Rai.
All are residents of Village and P.O. Korla, P.S. Muffasil, District Begusarai.

... .. Petitioners

Versus

1. Ram Sevak Singh, Son of Late Dwarika Singh.
2. Singheshwari Devi, Wife of Late Dwarika Singh.
3. Dharamshila Devi, Wife of Late Shambhu Singh.
4. Dinkar Kumar, Minor son of Late Shambhu Singh.
5. Arti Kumari, Minor daughter of Late Shambhu Singh.
All are residents of Village Sinma, P.S. Motihari, District Begusarai.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 08-08-2019 Heard both sides.

This petition is filed for restoration of S.A. No.10 of 2005, which was dismissed for non-compliance of the order dated 25.04.2006.

Learned counsel for the petitioners submits that the deficit court fee was filed on 26.06.2006 under impression that the two months' time expired on 26.06.2006 but the office pointed out that 60 days expired on 24.06.2006 itself and on



account of this, the second appeal stood dismissed for non-compliance. The petitioners entrusted the file to the learned lawyer to file restoration petition but the same was not filed in time.

Learned counsel for the opposite parties submits that after seven years from the date of dismissal of the second appeal, this restoration petition is filed but no satisfactory explanation was given but it appears that the petitioners have explained the reasons for not filing the restoration petition in time.

Being satisfied with the reasons, this restoration petition is allowed and S.A. No.10 of 2005 is restored to its original file.

(Prabhat Kumar Jha, J)

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