

IN THE HIGH COURT OF JUDICATURE AT PATNA
FIRST APPEAL No.182 of 2013

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Shiv Shankar Mishtri, son of Parikshan Mishtri, resident of Ward No.12 Old,
20 (New), P.S. and District- Supaul.

... .. Appellant/s

Versus

1. Ram Prasad Mishtri, son of late Shiv Nandan Mishtri.
2. Manoj Mishtri, son of Ram Prasad Mishtri.
3. Santosh Mishtri, son of Ram Prasad Mishtri, all resident of Ward No. 12(Old), 20 (New), P.S. and District- Supaul.
4. Madhu Devi, wife of Shiv Shankar Mishtri.
5. Mithu Kumar (Minor) S/o Shiv Shankar Mishtri, through his natural guardian, respondent No.4(mother), 4 and 5 Resident of Ward No. 12(Old), 20 (New), P.S. and District- Supaul.
6. Gauri Shankar Mishtri, son of late Hazari Mishtri, resident of Ward No.5 (Old), 19 (New), P.S. and District- Supaul.
7. Ayodhya Malakar, son of late Chhotan Bhagat Malakar, resident of Ward No.20, P.S. and District- Supaul.
8. Dinesh Mishtri, son of Late Ramlakhan Mishtri.
9. Mahesh Mishtri, son of Late Ramlakhan Mishtri. 8 and 9 resident of Ward No. 12 (Old), 20 (New), P.S. and District-Supaul.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Siddharth Harsh, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

12/ 16-05-2019

I. A. No.3284 of 2014:

This Interlocutory Application has been filed for condoning the delay of 3 years 9 months 17 days in filing the instant appeal.

In the limitation petition ground has taken that brief was handed over to the counsel, but he did not file the same.



Notice issued in the limitation petition has been served, but none has appeared on behalf of the respondents.

Suit was decreed in favour of the plaintiffs on 05.08.2009.

This Court does not find any valid ground to condone the delay in filing the appeal.

Accordingly, I. A. No.3284 of 2014 is dismissed.

Consequent upon the dismissal of limitation petition, instant appeal is also dismissed as barred by limitation.

Interlocutory Application No.8474 of 2013 stands disposed off.

(Sanjay Priya, J)

J. Alam/-

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