

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4306 of 2016

In
Second Appeal No.105 of 2005

Shyam Das Rai and Ors	Versus	 Petitioner/s
Smt. Kaushlya Devi and Ors		 Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ravi Bhatia
For the Opposite Party/s :	Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 22-01-2019 Heard learned counsel for the petitioners.

This M.J.C. petition has been filed for restoration of Second Appeal No.105 of 2005, which was dismissed on 19.09.2016 for non-compliance of peremptory order.

Learned counsel for the petitioners submits that the petitioners were directed to file substitution petition for respondent nos.1, 10 and 12 within specified period. All the legal heirs of respondent nos.1 and 12 are already on record. The petitioners filed the substitution petition for substituting the legal heirs of respondent no.10 but that was filed beyond the peremptory time and so the second appeal was dismissed.

Taking into consideration the reasons stated in the restoration petition, this M.J.C. petition is allowed and Second Appeal No.105 of 2005 is restored to its original file.

(Prabhat Kumar Jha, J)

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