

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4358 of 2016

In
First Appeal No.766 of 1985

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Rajendra Prasad and Anr

... .. Petitioner/s

Versus

Laxmi Devi and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 19-02-2019

M.J.C. No. 4358 of 2016

This M.J.C. application has been filed to restore First Appeal No. 766 of 1985 with respect to respondent nos. 1(g), 2(i) to 2(iv), 4, 5, 6(a), 7(i) and 7(ii) as mentioned in office note dated 28.11.2016.

This Court after perusing the record finds that by order dated 07.12.2016 the appeal against respondents, as noted above, was dismissed for non-compliance of order.

From the office note it appears that defects as pointed out by the Stamp Reporter was directed to be removed within one month by order dated 09.11.2017 passed by Joint Registrar (J.), but the appellant did not take any step to remove the same.

This Court does not find any justification to give further time to the petitioner to remove defects.

Therefore, the instant M.J.C. application is dismissed.

I.A. No. 11048 of 2016 filed in F.A. No. 766 of 1985



I.A. No. 11048 of 2016 filed in F.A. No. 766 of 1985 was directed to be listed under heading “For Orders (On Petition)”.

It has been submitted on behalf of respondent no. 9 that original respondent no. 9 has died but no substitution petition has been filed with regard to same.

This Court finds that there is no *locus standi* of learned counsel for respondents to file any petition or making any motion in this case.

Since the instant MJC application has been dismissed, therefore I.A. No. 11048 of 2016 filed in F.A. No. 766 of 1985 is also dismissed.

Learned counsel for respondent no. 9 has submitted that he has filed I.A. No. 4237 of 2018 but the aforesaid Interlocutory Application is not on record. The instant case record of MJC is directed to be tagged with the record of F.A. No. 766 of 1985.

Office is directed to put up First Appeal No. 766 of 2016 along with I.A. No. 4237 of 2018.

Put up on 25.02.2019 at 2:15 P.M. at the top of the list.

(Sanjay Priya, J)

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