

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3902 of 2018

In
Miscellaneous Appeal No.110 of 2014

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1. Kumar Kashwendra @ Baban Singh Son of Late Jagarnath Singh
 2. Raghwendra Singh @ Lalan Singh Son Of Late Jagarnath Singh Both R/O Village Dumri Khurd, P.O. Dumri Khurd, P.S. Mejar ganj, District Sitamarhi

... .. Petitioner/s

Versus

1. Ramesh Kumar Singh Son of Shri Prahlad Singh R/o Village + P.O. Ganra, P.S. Patepur, District Vaishali
2. Radhey Shyam Singh Son of Shri Prahlad Singh
3. Suresh Singh Son of Shri Prahlad Singh
4. Arvind Singh Son of Shri Prahlad Singh
5. Ranjit Singh Son of Sri Prahlad Singh All R/O Village + P.O. Ganra, P.S. Patepur, District Vaishali
6. Ashok Kumar Singh Son of Late Gauri Shankar Pd Singh
7. Upendra Singh Son Of Late Bijali Singh
8. Vinod Singh Son Of Late Bijali Singh
9. Sunil Kmar S/O Shyam Sunder Pd. All R/O Village Ramauli, P.S. Patepur, District Vaishali
10. Ajay Kumar Son Of Late Baidhnath Singh
11. Nawal Kishore Singh Son of Shyam Nandan Singh
12. Ramesh Kumar Son Of Late Narain Singh
13. Pawan Kumar Son Of Late Narain Singh All R/O Village Ramauli, P.S. Patepur, District Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Mishra
For Respondent nos.1 to 5	:	Mr.Alok Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 09-01-2019

Re.: I.A. No. 8431 of 2018

Aforesaid I.A. has been filed for condonation of delay of 15 days in preferring this MJC petition with the case that M.A. No. 110 of 2014 filed by the petitioners was listed on 13.08.2018 under the heading “For Orders on Office Notes” and as the list was not marked, hence it remained unattended and



consequently it was dismissed. Petitioner had no knowledge of dismissal of the case earlier. However on getting knowledge of the same, he has filed this restoration petition. Hence there has been no intentional and deliberate delay on the part of the petitioners in filing the aforesaid MJC petition.

Finding sufficient cause for the delay made in preferring aforesaid MJC petition, the aforesaid delay is hereby condoned and aforesaid I.A. is accordingly allowed.

Re.: M.J.C. No. 3902 of 2018

The petitioner has filed the aforesaid MJC petition for restoration of the M.A. No. 110 of 2014 to its original file with the case that aforesaid appeal was listed on 13.08.2018 under the heading “For Orders on Office Notes” and the list was mistakenly not marked by the advocate clerk and hence aforesaid case could not be attended by the learned counsel for the petitioners and it was consequently dismissed for default. There has been no deliberate and intentional laches on the part of the petitioners in dismissal of the aforesaid case.

Learned counsel for the opposite parties raised no objection against the aforesaid petition.

In the facts and circumstances of the case and in the interest of justice, M.A. No.110 of 2014 is restored to its



original file and the aforesaid MJC petition is allowed.

(Prakash Chandra Jaiswal, J)

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