

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2154 of 2018

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Deba Devi Wife of Late Sukhdeo Yadav, Resident of Village- Gajhanda, P.S.-
Barahat and District- Banka.

... .. Petitioner/s

Versus

1. Dinesh Prasad Yadav and Son of Ishwar Prasad Yadav, Resident of Village-
Khiddi, P.S.- Rajoun, District- Banka.
2. The Branch Manager, The Oriental Insurance Company Ltd, Court
Compound, P.S.- Dumka, District- Dumka
3. The Divisional Manager, The Oriental Insurance Company Ltd. Megh Malhar
Building, P.S.- RBBS Road, Kachhari Chawk, district-Bhagalpur
4. Jay Prakash Chaudhary, Son of Late Prasad Choudhary, Resident of Village-
Kharik Bazar, P.S.- Kharik, District- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madan Mohan

For the Opposite Party/s : Mr. Bimlesh Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 23-01-2019 Heard learned counsel for the petitioner.

This M.J.C. application has been filed by the petitioner for restoration of M.A. No. 519 of 2007 to its original file with the case that vide order dated 04.08.2017, the petitioner was directed to take steps to issue notice upon the respondent nos. 1 and 4 through both the processes within two weeks, but learned counsel for the petitioner mistook it to be complied within three weeks and accordingly, he instructed his clerk to contact the appellant for its compliance and filed requisite etc. in the Court on 25.08.2017. Hence, due to non-compliance of the aforesaid order within two weeks, the appeal stood



dismissed on 18.08.2017. There has been no deliberate and intentional laches on the part of the petitioner in dismissal of the aforesaid appeal rather it was due to aforesaid reason.

In the facts and circumstances and in the interest of justice, the M.A. No. 519 of 2007 is restored to its original file and the present M.J.C. application is allowed.

(Prakash Chandra Jaiswal, J)

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