

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2636 of 2018

In
FIRST APPEAL No.25 of 2011

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Muhammad Mumtaz Ali Son of Late Mohammad Nurul Haque, resident of
Mohalla- Milki Anaith, P.S.- Arra Nawada, Post- Arra H.Q., District- Bhojpur.

... .. Petitioner/s

Versus

1. Mohammad Amin Hussain and Anr Son of Late Mohammad Nurul Haque.
2. Mohammad Nashimuddin Ahmad, Son of Late Mohammad Naimuddin Ahmad. Both residents of Mohalla- Milki Anaith, P.S.- Arra Nawada, Post- Arra H.Q., District- Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navesh Nandan
For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 19-02-2020 This petition has been preferred for restoration of First

Appeal No.25 of 2011 which stood dismissed due to non-

compliance of peremptory order.

Learned counsel appearing for applicant submits that

in the aforesaid First Appeal No.25 of 2011 one Sri Nasim
Nazar, Advocate was engaged by the appellant for conducting
Pairvi on his behalf but aforesaid Sri Nasim Naza, Advocate left
the practice as he was selected for judicial service as a result
thereof, he could not make proper *Pairvi* in the above stated
First Appeal No.25 of 2011.

In view of the aforesaid submissions, this petition is



allowed and, accordingly, the dismissal order passed in First Appeal No.25 of 2011 is set aside and the aforesaid First Appeal No.25 of 2011 is restored to its original position subject to condition that the applicant (appellant) shall remove all the defect/s as pointed out by the Office in the above stated First Appeal No.25 of 2011 within six weeks from today, failing which, the aforesaid First Appeal No.25 of 2011 shall be deemed to be dismissed.

In the aforesaid manner, this application stands disposed of.

(Hemant Kumar Srivastava, J)

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