

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4827 of 2018

In
Miscellaneous Appeal No.936 of 2016

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Md. Naushad Hussain Son of Late Md. Jalil Resident of Village and P.O. Bithouli, P.S.- Baheri, District- Darbhanga.

... .. Petitioner

Versus

1. Shahida Khaton Wife of Md. Naushad and daughter of Abdul Hamid Resident of Village- Bithouli, P.S.- Baheri, District- Darbhanga, At present residing with father at Village Jai Kishanpur, P.O.- Bairampur, P.S. Biroul, District- Darbhanga.
2. Abdal Hamid son of Rahim resident of Village Jai Kishunpur, P.O.- Biraul, District- Darbhanga.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 08-01-2020 Heard learned counsel for the petitioner.

This application has been filed for restoration of Miscellaneous Appeal No. 936 of 2016, which stood dismissed for non-compliance of the preemptory order dated 20.09.2017 passed by this Court.

It is submitted by learned counsel for the petitioner that the advocate on record of the Miscellaneous Appeal, namely, Sri Vishwanath Prasad Singh was not keeping good health and was undergoing treatment since long at Delhi and,



thus, the defect could not be removed in time. The conducting counsel was not even in a position to communicate about the order passed by this Court to the appellant of the Miscellaneous Appeal. Later on, the petitioner came to know about the dismissal of the Miscellaneous Appeal and thereafter, he engaged another counsel through whom the present application has been filed for restoration of the appeal.

Considering the submissions made by the learned counsel for the petitioner, the application is allowed. Miscellaneous Appeal No. 936 of 2016 is directed to be restored to its original file.

The petitioner shall remove the defects in Miscellaneous Appeal, as pointed out by the Stamp Reporter, within four weeks from today.

(Ashwani Kumar Singh, J)

(Partha Sarthy, J)

Pradeep/-

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