

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.465 of 2021

In

FIRST APPEAL No.158 of 2006

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1. Kameshwar Chaudhary Son of Late Raghubir Chaudhary Resident of Village- Chaturbhuj, Baraon, P.O.- Jitaura, P.S.- Piro, District- Bhojpur.
 2. Mahendra Chaudhary Son of late Raghubir Chaudhary Resident of Village- Chaturbhuj, Baraon, P.O.- Jitaura, P.S.- Piro, District- Bhojpur.
 3. Most Shanti Kuer Wife of late Sita Ram Chaudhary Resident of Village- Khairahi, P.S.- Bahuara, P.S.- Dawath, District- Rohtas.

... .. Petitioner/s

Versus

1. Baij Nath Chaudhary Son of Late Kishun Chand Chaudhary Resident of Village- Khairai, P.O.- Bahuara, P.S.- Dawath, District- Rohtas.
2. Brajesh Kumar Chaudhary Son of Baij Nath Chaudhary Resident of Village- Khairai, P.O.- Bahuara, P.S.- Dawath, District- Rohtas.
3. Manu Bhushan Chaudhary Son of Baij Nath Chaudhary (At the timing of filing of this First Appeal he was a minor under the guardianship of his father Baij Nath Chaudhary), Resident of Village- Khairai, P.O.- Bahuara, P.S.- Dawath, District- Rohtas.
4. Surendra Chaudhary @ Ganesh Chaudhary (deceased) Son of Late Haribansh Chaudhary Resident of Village- Khairai, P.O.- Bahuara, P.S.- Dawath, District- Rohtas.
5. Vijay Chaudhary (deceased) Son of Late Haribansh Chaudhary Resident of Village- Khairai, P.O.- Bahuara, P.S.- Dawath, District- Rohtas.
6. Ashok Chaudhary Son of Late Haribansh Chaudhary Resident of Village- Khairai, P.O.- Bahuara, P.S.- Dawath, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Sen Prasad

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

9 19-02-2021 The present petition has been filed for restoration of First Appeal bearing F.A. no. 158 of 2006, which has been dismissed for default by an order dated 10.04.2018 on account of non-compliance of the earlier orders of the Court directing



the petitioners to remove the defects. It may be pertinent to mention that the said F.A. no. 158 of 2006 has been dismissed for default without issuance of notices to the respondents.

The learned counsel for the petitioners has submitted that on account of personal difficulties of the learned counsel for the petitioners, the defects could not be removed, however he undertakes to remove the defects within a period of four weeks from today.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioners, I deem it fit and appropriate to restore the aforesaid appeal i.e. First Appeal no. 158 of 2006 to its original file subject to removal of the defects, as pointed out by the Stamp Reporter, within a period of four weeks from today.

The present petition stands disposed off.

(Mohit Kumar Shah, J)

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