

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1808 of 2016

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Sukhdeo Mandal, son of late Jamun Mandal, resident of Mohalla – Ali Nagar
Mungroura; P.O. and P.S.- Jamalpur; District-Munger & Anr.

... .. Petitioner/s

Versus

Rameshwar Mandal and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Ram Sevak Choudhary, Advocate
For the Opposite Party/s :	Mr. Pramod Kumar Sharma, Advocate
	Mr. Arvind Kumar Sharma, Advocate
	Mr. Chetan Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

8 09-12-2021 The instant application stands filed for restoration of

Second Appeal No. 243 of 1986, titled as Sukhdeo Mandal &

Anr. vs. Rameshwar Mandal & Ors. which stood dismissed for

want of prosecution, vide order dated 01.08.2014 , passed by a

coordinate Bench of this Court.

The order dismissing the Second Appeal No. 243 of

1986, reads as under :-

“In spite of repeated calls nobody
has appeared on behalf of the appellants to
press this appeal.

Mr. Pramod Kumar Sinha, learned
counsel for respondent no.5 is present.

The appeal was called on
16.06.2014 when on the request of the
counsel for the appellant this Court by way of
last chance had adjourned consideration of
the appeal.

Mr. Sinha informs the Court that



respondent no.5 has already filed a suit for setting aside the judgment and decree passed by the learned trial court in Title Suit No. 13 of 1975 in which the appellants herein have already appeared.

Be that as it may, since nobody has appeared on calls to press this appeal, this Court is constrained to dismiss the same for non prosecution. I order accordingly.”

Today, also it is not disputed that the facts stated (supra) are correct. That apart, the application does not disclose reasons sufficiently enough for the court to recall the order dated 01.08.2014.

The delay in filing the application is also not sufficiently explained. As such, the present application stands dismissed.

(Sanjay Karol, CJ)

Ashwini/Sujit

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