

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1303 of 2018

In
SECOND APPEAL No.19 of 2006

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1. Mosst. Raj Kumari and Ors Wife of Late Jagjivan Sahu and daughter-in-law of Late Hazari Sahu
 2. Master Sanjeet Kumar minor son of Late Jagjivan Sahu and grandson of Late Hazari Sahu
 3. Master Pramod Kumar minor son of Late Jagjivan Sahu and grandson of Late Hazari Sahu
 4. Miss Punam Kumari minor daughter of Jagjivan Sahu and grandson of Late Hazari Sahu 2 to 4 minors under the care and guardianship of their mother Mostt. Raj Kumari
 5. Mostt. Saraswati Devi wife of Late Rameshwar Sahu and daughter of Late Hazari Sahu
 6. Master Santosh Kumar minor son of late Rameshwar Sahu and grandson of Late Hazari Sahu (Died)
 7. Miss Ruby Kumari minor daughter of late Rameshwar Sahu and granddaudhtr of late Hazari Sahu 6 and 7 minors under the care and guardianship of their mother Mostt. Saraswati Devi as their natural guardian.
 8. Sri Ram Pravesh Sah son of late Hazari Sahu (died)
 9. Smt. Neelam Devi Wife of Sri Rajendra Sahu and daughter of Late Hazari Sahu 1 to 9 are residents of Mohalla - Kotwali Chowk, Ward No. 17 old 21 new of Darbhanga Municipal Corporation Darbhanga, P.S. Town Darbhanga, District - Darbhanga.
 10. Smt. Renu Wife of Sri Rajesh Sahu, daughter of Late Jagjivan Sahu, minor under the care and guardianship of Ra resident of Gudari Bazar, P.O. and P.S. Laheria Sarai, District - Darbhanga.

... .. Petitioners

Versus

1. Mosst. Sharda Devi wife of late Laxmi Mahto
2. Raj Narayan Mahto son of late Laxmi Mahto
3. Raj Kumar Mahto son of Late Laxmi Mahto All 1 to 3 are residents of Mohalla - Maulaganj, Pargana Haveli, P.S. and P.O. - Laheriasarai, District - Darbhanga.
4. Sri Jagdish Nayal son of Late Jokhan Nayak Resident of Mohalla - Senapat Pargana Haveli, P.S. - Town, Darbhanga.
5. Sri Raj Kumar Thakur son of Jokhan Naryan proprietor of Reeta Medical Stall.
6. Sri Chunchun Thakur son of Mahendra Thakur proprietor of Sunita Hair Style.
7. Sri Pawan Bhagat son of Vishwanath Bhagat proprietor of Pawan General and Fancy Stores. 5 to 7 are residents of Mohalla - Kotwali Chowk, Naka No. 6, Town P.S. Darbhanga District - Darbhanga in different portion of the



suit premises.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 20-07-2022 This application has been filed for restoration of S.A. No. 19 of 2006, which stood dismissed for default for non-compliance of peremptory order dated 18.01.2018. It has been stated in the application seeking restoration of second appeal that because of unavoidable reasons due to illness of appellant No.9, some of the defects could not be removed within the stipulated time.

Learned counsel appearing on behalf of the petitioners has submitted that defects in second appeal have since been removed.

Considering the facts averred in the present restoration application and the submissions advanced on behalf of the petitioners, this application is allowed.

Let S.A. No. 19 of 2006 be restored to its original file.

(Chakradhari Sharan Singh, J)

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