

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.153 of 2020**

Hafij Mohammad Humayun Akhtar @ H.M. Hamayun Akhtar, Son of Md. Nasim Akhtar Siddique, Resident of Mohalla- Bharaopar, P.S.- Murarpur, District- Nalanda, At present residing at Mohalla- Kohna Sarai, Ward No. 40, P.S. Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. Zila Parishad, Nalanda through Braj Raj Kishore, District Engineer, Zila Parishad, Nalanda, Biharsharif, District- Nalanda.
2. Md. Talha, Son of Md. Nasim Akhtar Siddique, Resident of Mohalla- Bharaopar, P.S.- Murarpur, District- Nalanda.
3. Md. Tarik Anwar, Son of Md. Nasim Akhtar Siddique, Resident of Mohalla- Bharaopar, P.S.- Murarpur, District- Nalanda.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Hansraj  
For the Respondent/s : Mr.Nikesh Kumar

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

3      14-09-2023                      In view of the office note dated 12.09.2023, the service of notice is validly against all respondents.

2. Heard learned counsel for the petitioner. None appears on behalf of the respondents despite valid service of notice and after filing *Vakalatnama*. From the order dated 06.06.2018, it appears that the same has been dismissed for non-prosecution. It has been submitted by learned counsel for the petitioner that for one days absence the application of the petitioner should not have been dismissed.

3. I am of the view that the order dated 06.06.2018 should be set aside in the interest of justice and the petitioner



may be heard by the court below on his application dated 22.05.2004. The application dated 22.05.2004 must be decided by the court below within a month from the date of communication of this order.

4. In view thereof, this application is disposed of.

**(Sandeep Kumar, J)**

Ranjeet/-

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