

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1480 of 2018

Chandrakant Tiwary Son of Sri Ram Pravesh Tiwary, Resident of Village and P.O. Godhari, P.S. Karakat, District-Rohtas Present resident at P.O. C/15, Officers Colony Swang Gomia, District-Bokaro Jharkhand.

... .. Petitioner/s

Versus

1. Most. Urmila Devi (deleted vide order dated 21.06.2023) Wife of Late Dinanath Dwivedi, resident of Village Amdhata, Shanti Nagar near ITI, Ward No. 02, P.O. Dumra, P.S. and District-Sitamarhi.
2. Niketan Kumar Son of Late Dipnath Dwivedi Dipak.
3. Matri Ranjan Son of Dinanath Dwivedi. All Resident of Village-Amdhatha, Shanti Nagar near ITI, Ward No.02 P.O. Dumra, P.S. and District-Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kishore Verma
For the Respondent/s	:	Mr. Waliur Rahman
		Mr.Pushpendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 28-08-2023 Heard the parties.

2. The present application has been filed for setting aside the order dated 09.08.2018 passed by the District Judge, Sitamarhi in Miscellaneous Case No. 13 of 2018 by which he has rejected the prayer of the petitioner for restoration of Misc. Case No. 27 of 2017 only because the same was filed for restoration of Miscellaneous Case No. 18 of 2015.

3. The application for restoration ought to have been allowed by the District Judge, Sitamarhi as the same was filed for restoration of the earlier restoration application and there is no bar in law that the restoration application cannot be filed in



restoring earlier restoration application.

4. Mr. Waliur Rahman, learned counsel for the Respondents has opposed the present application tooth and nail.

5. I am of the opinion that the impugned order has to be set aside.

6. This application is allowed.

7. The order dated 09.08.2018 passed by the District Judge, Sitamarhi is set aside.

(Sandeep Kumar, J)

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