

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1586 of 2021

In
Letters Patent Appeal No.376 of 2016

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Md. Allauddin

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Advocate Mr. Md. Mannan Khan, Advocate
For the O.Ps/State	:	Mr. Braj Bhushan Mishra, AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 19-07-2023

Re. Interlocutory Application No. 01 of 2023.

Heard learned counsel for the petitioner and Mr. Braj Bhushan Mishra, learned AC to AAG-9.

2. This application has been filed seeking condonation of delay of about 3 years and 8 months in filing of this application.

3. Copy of the Interlocutory Application was served upon the State as back as on 16.05.2022. However, no opposition to the said application has been filed.

4. Learned counsel for the applicant submits that the Letters Patent Appeal stood dismissed in default because the list was not marked by the advocate's clerk and even after dismissal

of the appeal for default, the appellant was not aware of the fact that the appeal has been dismissed.

5. Having regard to the facts and circumstances, in the interest of justice we deem it just and proper to condone the delay.

6. This application is allowed.

7. Since there is no defect in the restoration application, we restore the Letter Patent Appeal No. 376 of 2016 to its original file.

(Rajeev Ranjan Prasad, J.)

(Dr. Anshuman, J.)

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