

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.454 of 2021

In
FIRST APPEAL No.429 of 1984

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1. Desh Ratan Ojha @ Barak Ojha, Son of Late Nand Kumar Ojha, Resident of Judge Bazar, Bihiya, P.S.- Bihiya, District- Bhojpur.
 2. (i) Smt. Janki Devi, wife of Nand Kumar Ojha
(ii) Nand Kumar Ojha, son of Nathuni Ojha
 3. Dadan Ojha
 4. Vishwanath Ojha, Both S/o Nand Kumar Ojha
Petitioner No.2(i) to 4 are Resident of Judge Bazar, Bihiya, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

Om Prakash Gupta, Son of Late Kapil Muni Prasad, Resident of Purana Bazar Behea, P.S.- Behea, District- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2023 Learned counsel for the petitioners press the present application for restoration of F.A. No. 429 of 1984 to its original file, which stood dismissed vide order dated 16.12.2016 on account of non-compliance of the earlier order dated 08.08.2016, as also there was none to represent the appellants.

2. It is submitted that the date on which the appeal was taken up, learned counsel, who was representing the appellants, was no more alive and, as such, there was none to represent the appellants, hence the appeal remained unrepresented and finally stood dismissed.

3. It is next submitted that this is the fact that the



order of this Court dated 08.08.2016 had already been complied even within the time prescribed, but as there was none to inform the Court, the same stood dismissed on the impression that the order has not been complied with.

4. In view of the averments made in the present restoration application and the submissions advanced, the same stands allowed and F.A. No. 429 of 1984 is restored to its original file.

(Harish Kumar, J)

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