

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1065 of 2018

In
Miscellaneous Appeal No.410 of 2017

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Rita Devi Wife of Ashok Sahani, daughter of Laxhaman Sahani, resident of
Village- Ajgarimath, P.S.- Banjariya, East Champaran.

... .. Petitioner/s

Versus

Ashok Sahani Son of Mahendra Sahani, Resident of Village- Chakalhuran,
P.S.- Mehsi, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 07-12-2023 The present MJC/restoration application is filed for

recalling the order dated 09.03.2018 passed in M.A. No. 410 of

2017 and I.A. No. 7165 of 2017. Order dated 09.03.2018 reads

as under:

“I.A. No. 7165/2017

*This interlocutory application has
been filed for condoning the delay of 36 days in
preferring this appeal.*

*Issue notice to the sole respondent in
limitation matter under ordinary process as well*



as registered cover with acknowledgment due on requisites etc. being filed within one week, failing which this appeal shall stand dismissed without further reference to a Bench.”

2. For non-compliance of the aforementioned order, M.A. No. 410 of 2017 was dismissed.

3. Heard I.A. No. 7165 of 2017 for condonation of delay in filing M.J.C. No. 1065 of 2018 arising out of M.A. No. 410 of 2017. For the reasons stated in the application and affidavit, delay is condoned.

4. Heard M.J.C. No. 1065 of 2018.

5. For no default on the part of the appellant, he has to suffer in getting dismissal of the M.A. No. 410 of 2017. Therefore, M.J.C. No. 1065 of 2018 filed for restoration and recalling the order dated 09.03.2018 passed in M.A. No. 410 of 2017 stands recalled insofar as furnishing of registered cover with acknowledgment due on requisites etc. within one week from 09.03.2018.

6. I.A. No. 7165 of 2017 and M.A. No. 410 of 2017 stand restored on the file, subject to payment of cost of Rs. 2,000/- (Rupees Two Thousand). Cost shall be remitted in the Patna High Court Legal Services Committee within a period of four weeks.



7. Registry is hereby directed to list M.A. No. 410 of 2017 along with I.A. No. 7165 of 2017 before the concerned Roster Bench.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

GAURAV S./-

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