

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2647 of 2022

In
FIRST APPEAL No.99 of 1978

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1. Madina Khatoon Wife of Late Zeauddin R/o Mohalla-Khalifabagh, M.G. Road, P.O., P.S. and Distt-Khagaria.
 2. Firoz Son of Late Zeauddin R/o Mohalla-Khalifabagh, M.G. Road, P.O., P.S. and Distt-Khagaria.
 3. Nazma Khatoon Daughter of Late Zeauddin R/o Mohalla-Khalifabagh, M.G. Road, P.O., P.S. and Distt-Khagaria.
 4. Shamshad Khatoon Daughter of Late Zeauddin R/o Mohalla-Khalifabagh, M.G. Road, P.O., P.S. and Distt-Khagaria.
 5. Barkat Jahan Daughter of Late Zeauddin R/o Mohalla-Khalifabagh, M.G. Road, P.O., P.S. and Distt-Khagaria.
 6. Sadrunnisa Wife of Late Makimuddin r/o M.G. Road, P.O., P.S. and Distt-Khagaria.
 7. Md. Qaisar Son of Late Makimuddin r/o M.G. Road, P.O., P.S. and Distt-Khagaria.
 8. Md. Farooque Son of Late Makimuddin r/o M.G. Road, P.O., P.S. and Distt-Khagaria.
 9. Shahnaz Katoon Daughter of Late Makimuddin r/o M.G. Road, P.O., P.S. and Distt-Khagaria.
 10. Afroz Khatoon Daughter of Late Makimuddin r/o M.G. Road, P.O., P.S. and Distt-Khagaria.
 11. Farida Daughter of Late Makimuddin r/o M.G. Road, P.O., P.S. and Distt-Khagaria.
 12. Noor Jahan Daughter of Late Makimuddin r/o M.G. Road, P.O., P.S. and Distt-Khagaria.
 13. Mobinuddin Son of Late Maniruddin Resident of Khagaria Tola, Jai Prakash Nagar, P.S. Khagaria, District Munger.
 14. Kamaluddin Son of Late Maniruddin Resident of Khagaria Tola, Jai Prakash Nagar, P.S. Khagaria, District Munger.
 15. Naquiuddin Son of Late Maniruddin Resident of Khagaria Tola, Jai Prakash Nagar, P.S. Khagaria, District Munger.
 16. Zarina Khatoon W/o Late Sahabuddin resident of M.G. Road, P.O., P.S. Khagaria, District-Khagaria.
 17. Md. Zahir Abbas Son of Late Sahabuddin resident of M.G. Road, P.O., P.S. Khagaria, District-Khagaria.
 18. Md. Salamuddin Son of Late Sahabuddin resident of M.G. Road, P.O., P.S. Khagaria, District-Khagaria.
 19. Naquinddin Son of Late Sahabuddin resident of M.G. Road, P.O., P.S. Khagaria, District-Khagaria.
 20. Wasimuddin Son of Late Sahabuddin resident of M.G. Road, P.O., P.S.



Khagaria, District-Khagaria.

21. Md. Zafar Ali Son of Late Sahabuddin resident of M.G. Road, P.O., P.S. Khagaria, District-Khagaria.
22. Md. Haider Ali Son of Late Sahabuddin resident of M.G. Road, P.O., P.S. Khagaria, District-Khagaria.
23. Salima Khatoon Son of Late Sahabuddin resident of M.G. Road, P.O., P.S. Khagaria, District-Khagaria.

... .. Petitioner/s

Versus

1. Most Godabri Devi Wife of Late Kailash Prasad Singh Resident of Village-Rahimpur Tola Packkhutti, P.S. Khagaria, District Munger.
2. Sri Anil Kumar Singh Son of Late Kailash Prasad Singh Resident of Village-Rahimpur Tola Packkhutti, P.S. Khagaria, District Munger.
3. Kumud Kumari Daughter of Late Kailash Prasad Singh Resident of Village-Rahimpur Tola Packkhutti, P.S. Khagaria, District Munger.
4. Premlata Kumari Daughter of Late Kailash Prasad Singh Resident of Village-Rahimpur Tola Packkhutti, P.S. Khagaria, District Munger.
5. Hemlata Kumari Daughter of Late Kailash Prasad Singh Resident of Village-Rahimpur Tola Packkhutti, P.S. Khagaria, District Munger.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 18-08-2023 The present application has been filed for restoration of First Appeal No. 99 of 1978, which stood dismissed on account of non-prosecution vide order dated 03.08.2022.

2. Submission has been made on behalf of the learned counsel for the petitioners that earlier learned counsel for the appellants-petitioners Mr. Jagdish Prasad Bhagat, who was appearing in the First Appeal unfortunately died in Corona Pandemic and when the case was called for hearing on



03.08.2022, there was none to represent the case, which resulted into dismissal of the appeal on account of non-prosecution.

3. In view of the submissions made on behalf of the learned counsel for the petitioners, the present application is allowed and First Appeal No. 99 of 1978 is restored to its original file and number.

4. Accordingly, the present application stands disposed of.

(Harish Kumar, J)

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