

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5345 of 2019

In
Miscellaneous Appeal No.206 of 2010

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Rakesh Kumar Verma, Son of Triveni Prasad Verma, resident of Village and P.O. Sondho Dih, P.S. Goraul, District- Vaishali, At present residing at Mohalla Brahampura, Sanjay Cinema Road, P.O. Muzaffarpur, P.S. Brahampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

Smt. Jharna, Wife of Rakesh Kumar Verma, daughter of Late Shiv Shankar Prasad, resident of Mohalla Majlish Sahai Lane, Tilak Maidan, Moti Jheel, P.O. Muzaffarpur, P.S. Town, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Tiwary, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 28-03-2023

Re: I.A No. 01/2023

Heard Mr. Syed Ehteshamuddin, learned counsel for the petitioner, and Mr. Lakshmi Kant Tiwari, learned counsel for the sole respondent.

I.A. No. 01 of 2023 has been filed for condonation of delay in filing present application for restoration of M.A. No. 206 of 2010, which was dismissed for non-prosecution on 30.01.2015.

This application has been filed for condonation of delay of 4 years 9 months and 17 days in preferring the appeal.



After having considered the averments made in the application, we are satisfied that the appellant had sufficient cause for not preferring the appeal within the prescribed statutory period.

Learned counsel for the sole respondent has also submitted that he does not have any objection for restoration of M.A. No. 206 of 2010 to its original file.

Accordingly, in the interest of justice, the delay in preferring this appeal is hereby condoned.

I.A. No. 01 of 2023 is accordingly allowed.

Let M.A. No. 206 of 2010 be restored to its original file.

(Chakradhari Sharan Singh, ACJ)

(Madhuresh Prasad, J)

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