

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.957 of 2023

In
SECOND APPEAL No.609 of 2019

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1. Madan Yadav, Male, aged about 55 years, son of Late Ghuran Yadav,
 2. Pawan Yadav, Male, aged about 50 years, son of Late Munga Lal Yadav,
 3. Rajesh Yadav @ Rajesh Kumar, Male, aged about 49 years, son of Late Sajan Yadav,
 4. Nitish Yadav @ Nitish Kumar, Male, aged about 20 years, son of Late Sajan Yadav,
 5. Ashok Yadav, Male, aged about 49 years, son of Late Sajan Yadav,
 6. Pulpul Yadav @ Pulpul Pupal Yadav, Male, aged about 55 years, son of Late Sajan Yadav,
All resident of Village- Khaira, P.O.-Gardhia, P.S.-Sour Bazar, District-Saharsa.
 7. Sabo Devi, Female, aged about 70 years, wife of Baleshwar Yadav, daughter of Late Gudar Yadav, resident of Village- Pilagra, P.S.- Beldour, District Khagaria.
 8. Pola Devi, Female, aged about 60 years, wife of Jagdambi Yadav, daughter of Late Gudar Yadav, resident of Amarpur, P.S. Kachhahari, District-Saharsa.
 9. Sakuni Devi @ Sakani Devi, Female, aged about 65 years, wife of Badhi @ Wahi Yadav, Daughter of Gudar Yadav,
 10. Panwati Devi, Female, aged about 45 years, wife of Gango Yadav, daughter of Late Kamleshwari Yadav,
Both resident of Village- Pilangra, P.S.-Beldour, District-Khagaria.
 11. Amerika Devi, Female, aged about 49 years, wife of Mahendra Yadav, daughter of Late Kamleshwari Yadav, resident of Village- Pilangra, P.S. Beldour, District- Saharsa.
 12. Sabita Devi, aged about 69 years, Female, wife of Madhuri Yadav, daughter of Kamleshwari Yadav, resident of village- Pilangra, P.S.- Bldour, District-Saharsa.

... .. Petitioner/s

Versus

1. Hiral Lal Yadav, Male, aged about 57 years, son of Late Bhogi Yadav, resident of Village- Khaira, P.O. Gardhia Anchal, P.S. Sour Bazar, District-Saharsa.
2. Kailash Yadav, son of Late Ram Dayal Yadav,
3. Pramod Yadav, son of Late Ganesh Yadav,
4. Chandan Yadav, son of Late Ganesh Yadav, all resident of Village- Khaira, P.O. Gardhia Anchal, P.S. Sour Bazar, District- Saharsa.
5. Chandula Devi, wife of Ganesh Yadav, daughter of Late Bineshwari Yadav, resident of Village- Khaira, P.O. Gardhia Anchal, P.S. Sour Bazar, District-



Saharsa.

6. Bindula Devi, wife of Sambhu Yadav, daughter of Late Bindeshwari Yadav, resident of Village- Khaira, P.O. Gardhia Anchal, P.S. Sour Bazar, District- Saharsa.
7. Sakulia Devi, wife of Tarni Yadav, daughter of late Ram Charan Yadav, at Mahārtha, P.O. Diwari, P.S. Sonbarsa Kachahari, District-Saharsa.
8. Bhageshwar Yadav, son of Late Pradeep Yadav, resident of Village- Khaira, P.O. Gardhia Anchal, P.S. Sour Bazar, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kishore Prasad, Advocate
For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 03-05-2024 This restoration application has been filed for restoration of Second Appeal No. 609 of 2019, which was dismissed for non-compliance of the order dated 11.11.2022.

2. Heard learned counsel for the petitioners and perused the record.

3. Learned counsel for the petitioners submits that he himself was ill on account of complete heart blockage and he was operated at the Heart Hospital, Patna, on 10.10.2022 and due to that he could not comply the order in time. It is further submitted that there was no willful latches on the part of the advocate concerned, rather, it was due to his severe illness.

4. Having heard learned counsel for the petitioners and on going through the materials available on the record, this Court finds substance in the submission of learned counsel for the petitioners.



5. For the reasons stated above, Second Appeal No.609 of 2019 is restored to its original file and number.

6. Counsel for the petitioners is directed to comply the order dated 11.11.2022 passed in Second Appeal No. 609 of 2019 at the earliest.

(Khatim Reza, J)

J. Alam/-

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