

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1301 of 2024

In
Miscellaneous Appeal No.18 of 2022

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M/s Astara Projects Private Limited (Formerly Known as M/s Dream Housing Project Private Limited) through its Director Sri Rajesh Kumar Sikaria, aged about 58 years, Son of Late Babu Lal Sikaria, resident of Exhibition Road, Patna- 1, having its registered office at 103, Sriram Plaza Station Road, P.S.- Gandhi Maidan, Distt- Patna, Pin Code- 800001.

... .. Petitioner/s

Versus

1. Ramesh Kumar Singh, son of Late Shashi Shekhar Prasad Singh, resident of House No.- 70, Urmila Niwash, Gandhi Nagar, West Boring Canal Road, Patna- 800013.
2. Lalan Prasad Singh, Son of Late Shashi Shekhar Prasad Singh, Resident of House No. 70, Urmila Niwas, Gandhi Nagar, West Boring Road, Patna- 800013.
3. Smt. Bina Singh, Wife of Lalan Prasad Singh, son of Late Shashi Shekhar Prasad Singh, Resident of House No.- 70, Urmila Niwas, Gandhi Nagar, West Boring Road, Patna- 800013.
4. Manorama Devi, Wife of Late Krishna Mohan Singh, resident of Banshi Purandaha, Police Station- Dhandaha, District- Purnea- 854205.
5. Prakash Kumar Singh, Son of Late Krishna Mohan Singh, resident of Banshi Purandaha, Police Station- Dhandaha, District- Purnea- 854205.
6. Dilip Kumar Singh, Son of Late Krishna Mohan Singh, resident of Banshi Purandaha, Police Station- Dhandaha, District- Purnea- 854205.
7. Sanjiv Kumar Singh, Son of Late Krishna Mohan Singh, resident of Banshi Purandaha, Police Station- Dhandaha, District- Purnea- 854205.
8. Bindu Kumar Singh, Son of Late Krishna Mohan Singh, resident of Banshi Purandaha, Police Station- Dhandaha, District- Purnea- 854205.
9. Mala Devi, Daughter of Late Krishna Mohan Singh, Resident of Moh.- Sipahi Tola, Dollar House Chawk, Purnea.
10. Renu Devi, Wife of Lalan Prasad, D/o- Harihar Prasad Singh, resident of Birpur, District Supaul.
11. Ranju Devi, Wife of Neeraj Kumar Singh, D/o- Harihar Prasad Singh resident of Housing Colony, M/20, Bariatu, Ranchi.
12. Shambhu Kumar Singh, Son of Late Harihar Prasad Singh, resident of Banshi Purandaha, Police Station- Dhandaha, District- Purnea.
13. Kundan Kumar Singh, Son of Late Harihar Prasad Singh, resident of Banshi Purandaha, Police Station- Dhandaha, District- Purnea.
14. Rahul Kumar Singh, Son of Om Prakash Singh, Resident of Supaur Jamua, P.O.- Garapur, District- Munger, presently residing at Renuka Sadan, Williams Town, Behind Ram Krishna Mission, Deoghar, Near Rani Kothi,



Devghar- 814112.

15. Sanjay Kumar @ Sanjay Kumar Singh, Son of Om Prakash Singh, Resident of Supaurh Jamua, P.O.- Tarapur, District- Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nikhil Kumar Agrawal, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 03-05-2024 Learned counsel for the petitioner undertakes to remove defect no. 45 in course of the day.

2. Let him do so.

3. Heard learned counsel for the petitioner.

4. This application has been filed for modification of the order dated 03.01.2024 passed by this Court in M. A. No.18 of 2022 whereby while dismissing the aforesaid Miscellaneous Appeal respondent no.15/petitioner (Developer) as well as respondents-defendant Nos.1 and 2/ opposite party nos. 2 and 3 were directed to deposit sufficient security of Rs.50,00,000/- (fifty lakhs).

5. Perused the record.

6. It appears that by order dated 03.01.2024 while dismissing Miscellaneous Appeal No. 18 of 2022, this Court had directed that the Opposite Party Nos.2 and 3 (respondents-defendant Nos. 1 and 2) jointly as well as the petitioner-Developer (respondent no.15) independently shall deposit a sum



of Rs.50,00,000/- (fifty lakhs) before the trial Court within eight weeks from the date of the order.

7. Learned counsel for the petitioner submits that the petitioner is ready to deposit the security amount as ordered by this Court but due to lapse of time it could not be deposited. Since the time has elapsed, the Court below did not permit the petitioner to deposit the security amount. Learned counsel for the petitioner prays for extension of three weeks' further time to enable the petitioner to deposit the security amount as aforesaid.

8. In such view of the matter, three weeks' further time from the date of receipt/production of a copy of this order is granted to the petitioner to deposit the security amount of Rs.50,00,000/- (fifty lakhs) in the Court below in terms of the order dated 03.01.2024 passed in Miscellaneous Appeal No.18 of 2022.

9. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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