

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1501 of 2024

In
SECOND APPEAL No.196 of 2017

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Dhrub Narayan Singh @ Dhrup Narayan Singh son of Late Lalan Singh
resident of village- Banshopali Tole, Chhapan Matake Karanpur, P.S. Siwan
Muffasil, District Patna.

... .. Petitioner/s

Versus

1. Smt. Nirmala Devi wife of Sri Binod Kumar Singh Resident of village-
Banshopali Tole, Chhapan Matake Karanpur, P.S. Siwan Muffasil, District
Patna.
2. Binod Kumar Singh, son of Late Babu Lal Singh, Resident of village-
Banshopali Tole, Chhapan Matake Karanpur, P.S. Siwan Muffasil, District
Patna.
3. Mashomat Gayatri Devi, wife of Late Nagendra Singh, resident of village-
Karmaini, P.O. Jalalpur, P.S. Kuchaikot, District- Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate Mr. Himanshu Shekhar, Advocate
For the Opposite Party/s	:	Mr. Gaurav Govind, Advocate
For the Opposite Party No.3	:	None

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 6 06-12-2024 1. Heard learned counsel for the petitioner and learned
counsel for the opposite party nos. 1 and 2.
2. No one appears on behalf of the opposite party no.3
inspite of valid service of notice.
3. The instant application has been filed for
restoration of Second Appeal no. 196 of 2017 which stood
dismissed for non-prosecution by order dated 15.4.2024.
4. Learned counsel for the petitioner submits that the



appeal stood dismissed on account of failure of learned counsel appearing for the appellant-petitioner to appear in the case on the same being called out and for no fault of the appellant-petitioner. It was only on learning about the dismissal that the petitioner approached the present counsel whereafter the instant restoration application was filed.

5. Though the application is opposed by learned counsel for the opposite party nos. 1 and 2, however, no counter affidavit has been filed.

6. Having heard learned counsel for the parties and taking into consideration the contents of the restoration application and the submissions made, the Court is satisfied that the appellant-petitioner has made out a case for restoration of Second Appeal no. 196 of 2017.

7. Second Appeal no. 196 of 2017 is restored to its original file.

8. The application is allowed.

(Partha Sarthy, J)

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