

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1648 of 2018

In
FIRST APPEAL No.232 of 2011

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Rajeshwari Devi Wife of Sri Ram Bhajan Singh, Resident of Village- Chorha,
P.O.- Padariya, P.S.- Simra, District- Aurangabad. at present resident of
Village- Bharaundha Tolw, Banahi, P.O.P.S.- Risiup, District- Aurangabad.

... .. Petitioner/s

Versus

1. Kaushalya Devi Wife of Kedar Singh, Resident of Village- Kanthi Bigha,
P.O.P.S.- Kutumba, District- Aurangabad.
2. Panchbarti Devi, Wife of Late Upendra Singh, Resident of Village-
Pachaukhar, P.O.- Pachaukhar, P.S.- Baluganj, District- Aurangabad.
3. Raj Kumari Devi, Wife of Sri Basant Singh, Resident of Village-
Kharaundha, P.O.P.S.- Tendauwa, District- Aurangabad.
4. Dhanrajiya Devi, Wife of Sri Arjun Singh, Resident of Village- Pachaukhar,
P.O.- Pachaukhar, P.S.- Baluganj, District- Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr.Mrigendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2024 1. The present petition has been filed for restoration of

an interlocutory application bearing Interlocutory Application
No. 4120 of 2012, filed in First Appeal No.232 of 2011, which
has stood dismissed for want of prosecution by an order dated
07.04.2014.

2. The learned counsel for the petitioner submits that
on account of personal difficulty, he could not appear on the
day, the said interlocutory application was called out for
hearing, resulting in dismissal of the same for want of



prosecution. Nonetheless, the learned counsel for the petitioner has not been able to satisfactorily explain the huge delay in filing the present petition, however, he submits that the petitioner is ready to comply with such conditions, as may be deemed fit and proper to be imposed upon him by this Court, for the purposes of restoration of the aforesaid interlocutory application.

3. Per contra, though the learned counsel for the respondents has opposed the present petition, however, he submits that in case the petitioner is put to certain terms including payment of cost, he shall have no objection to the present petition being allowed.

4. Having regard to the facts and circumstances of the case and considering the submissions advanced by the learned counsel for the parties, though I deem it fit and proper to direct for restoration of the aforesaid Interlocutory Application bearing Interlocutory Application No.4120 of 2012, however, subject to the petitioner depositing a sum of Rs.5,000/- with the Patna High Court Legal Services Committee, Patna, within a period of four weeks from today as also subject to payment of a sum of Rs.5,000/- to the learned counsel appearing for the respondents, within the same time frame and furnishing the receipt thereof



before the Registry of this Court.

5. The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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