

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.39 of 2021

=====

Lal Babu Yadav, Son of Late Beni Yadav, Resident of Village-Pewandi, P.O.
and P.S. Chenari, District Rohtas.

... .. Petitioner/s

Versus

1. Shri Nand Kumar Sah, Son of Late Chillar Sah, Resident of Village-Chenari,
P.O. and P.S. Chenari, District Rohtas.
2. Dashrath Singh Yadav, Son of Late Saroj Singh Yadav, Resident of Village-
Pewandi, P.O. and P.S. Chenari, District Rohtas.
3. Bhola Singh Yadav, Son of Late Imrit Singh, Resident of Village-Pewandi,
P.O. and P.S. Chenari, District Rohtas.
4. Nathuni Singh Yadav, Son of Late Imrit Singh, Resident of Village-Pewandi,
P.O. and P.S. Chenari, District Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Sumeet Kumar Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 04-03-2024 On call, none appears on behalf of the petitioner.

2. On 24.11.2023, following order was passed:-

“Office has reported that respondent No.1 has appeared through Vakalatnama. Ordinary notice from respondent No.2 and 4 returned unserved with report of the process server that these two respondents are not available at the given address and respondent No.3 has died. Similar to the effect is the report of postal peon that respondent Nos.2 and 4 were not available at the given address and their undelivered registered cover has been returned.

3. Ms. Alka Singh, learned counsel for the respondent No.1 is present.



4. In the aforesaid facts and circumstances of the case, learned counsel for the petitioner is directed to take fresh steps for service of notice upon respondent Nos.2 and 4 with correct address. It is further directed to file a petition for substitution of respondent No.3. The requisites and substitution petition must be filed within four weeks.

5. List this case on 5.1.2024.”

3. On 05.01.2024, following order was passed:-

“Present learned counsel for the petitioner as well as learned counsel for respondent no. 1.

2. There is no compliance of order dated 24.11.2023 by the learned counsel for the petitioner, who seeks further time of two weeks for compliance of order dated 24.11.2023.

3. By way of last opportunity, further time of two weeks is granted to the learned counsel for the petitioner for compliance of order dated 24.11.2023.

4. It is made clear that if the order is not complied within the stipulated period, the petition would be dismissed.

5. List this matter on 02.02.2024.”

4. Office note dated 01.02.2024 shows that requisites of notices upon respondent nos. 2 and 4 have not been filed. Even the substitution petition for respondent no.3 has not been filed.



5. Since the petitioner has failed to comply the orders dated 24.11.2023 and 05.01.2024, the present petition stands dismissed for non-prosecution.

(Arun Kumar Jha, J)

balmukund/-

U			
---	--	--	--

