

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.570 of 2019

Gayatri Devi @ Gayatri Kumari Daughter of Shivdeni Singh, Wife of Mithilesh Kumar Singh Presently residing at Village- Jamsari, Post Office- Jamsar Bazar, Police Station- Uchkagaon, District- Gopalganj. At present near Durga Mandir, Kusunda, Police Station and District- Dhanbad (Jharkhand).

... .. Appellant/s

Versus

Mithilesh Kumar Singh Son of Baburam Prasad Resident of Village- Bindusar Hamid, Police Station- Siwan Town, District- Siwan, presently residing at Sareya, Ward No. 5, North of Shahi Gas Service, Mohalla- Gopalganj, P.S. and District- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Lokesh Kumar Singh, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 04-12-2024 Present Miscellaneous Appeal No. 570 of 2019 is not maintainable in view of the fact that on the very same cause of action, earlier appellant has approached this Court in filing Miscellaneous Appeal No. 533 of 2010 and it was converted from First Appeal No. 107 of 2008 and it was dismissed for non-prosecution. Instead of filing M.J.C. for restoration, the present Miscellaneous Appeal No. 570 of 2019 has been filed, resultantly, principle of res-judicata is attracted.



2. Accordingly, present Miscellaneous Appeal No.
570 of 2019 stand dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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