

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3265 of 2024

In
CIVIL MISCELLANEOUS JURISDICTION No.657 of 2017

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Kamal Kishore Prasad Son of Late Ram Prasad Lal Resident of Chandan Market, Mahnar Bazar P.O. and P.S.- Mahnar, District-Vaishali, At Presently Residing at Barnwal Store Exhibition Road, Patna-1.

... .. Petitioner/s

Versus

1. Sri Lal Kumar Rai Son of Late Bhagera Rai Resident of Village-Mainpura, Mohallah - Nehru Nagar P.S. - Patliputra, and District-Patna.
2. Shri Lalji Rai @ Lalji Prasad Son of Late Bhagera Rai Resident of Village-Mainpura, Mohallah - Nehru Nagar P.S. - Patliputra, and District-Patna.
3. Shri Langaru Rai @ Shyam Babu Rai Son of Late Doman Rai Resident of Village-Mainpura, Mohallah - Nehru Nagar P.S. - Patliputra, and District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar, Advocate
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-09-2024 Learned counsel for the petitioner seeks permission to remove the defect in course of the day.

2. Permission is accorded.

3. The present petition has been filed seeking extension of time for making payment of cost of Rs.50,000/- as directed vide order dated 12.06.2024 passed in Civil Miscellaneous Jurisdiction No. 657 of 2017. The petition was



allowed and consequently the amendment was also allowed in terms of application dated 14.09.2016 filed by the plaintiff-petitioner subject to payment of cost of Rs.50,000/- which was to be paid by the plaintiff-petitioner to the contesting defendant/respondent on the first date before the learned trial court after passing of the order.

4. Learned counsel for the petitioner submits that, however, due to paucity of money, the plaintiff-petitioner could not deposit of amount on the first date and thereafter, the learned trial court has been refusing to accept the amount as that would be in violation of order of this Court. Learned counsel seeks apology for non-compliance of the order of this Court and prays that lenient view may be taken and further prays that the time for depositing the cost be extended as the petitioner is ready to make payment on any date as directed by this Court.

5. Considering the matter in its entirety, the petitioner is directed to deposit the amount of Rs.50,000/- on or before 30.09.2024 in the Nazarat of the court after orders of the learned trial court which will be released in favour of contesting defendant/respondent. The present order is further subject to payment of cost of Rs.5,000/- to be deposited in the Patna High Court Legal Services Committee on or before 30.09.2024.



6. Accordingly, the present petition stands disposed
of.

(Arun Kumar Jha, J)

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