

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2534 of 2022

In
SECOND APPEAL No.251 of 2011

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1. Jagranath @ Jagarnath Yadav son of Late Basudeo Singh, Resident of Village- Rudrapura, P.S Dehri, District- Rohtas.
 2. Jag Narain Yadav @ Jag Narain Singh son of Late Baldeo Yadav, Resident of Village- Rudrapura, P.S Dehri, District- Rohtas.
 3. Baijnath Singh Son of Balkeshwar Singh, Resident of Village- Rudrapura, P.S Dehri, District- Rohtas.
 4. Sheo Mangal Singh son of Ramdeo Singh, Resident of Village- Rudrapura, P.S Dehri, District- Rohtas.

... .. Petitioner/s

Versus

1. Lallan Singh Son of Ramraj Singh, Resident of village- Jamuhar, Tola, Gopi Bigha, P.O. Jamuhar, P.S. Dehri, District- Rohtas.
2. Janeshwar Singh son of Late Jag Narain Singh, Resident of village- Jamuhar, Tola, Gopi Bigha, P.O. Jamuhar, P.S. Dehri, District- Rohtas.
3. The State of Bihar through Collector, Rohtas at Sasaram.
4. Anchaladhikari Dehri, P.O. and P.S. Dehri, District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Rai, Adv.

For the Opposite Party/s : Mr. Md. Khurshid Alam (AAG 12)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-08-2024 Heard Mr. Nagendra Rai, learned counsel and the State.

2. The present petition has been filed for restoring the Second Appeal No. 251 of 2011 which has been dismissed for default due to non prosecution on 24.10.2011.

3. Learned State Counsel pointed out that a perusal of the prayer would show that the petition was dismissed for non-



prosecution by the order passed on 24.10.2011 and after lapse of 11 years, the present restoration petition has been filed.

3. This Court is in full conformity with the learned State Counsel that 11 years later, restoring a petition when even the order that was passed in the year 2011 has not been made part of the record cannot be allowed.

4. The MJC No. 2534 of 2022 stands dismissed.

(Rajiv Roy, J)

Vijay Singh/-

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