

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.34 of 2024

In
CIVIL REVISION No.6 of 2016

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Binay Kumar Choudhary, Son of Late Chitanji Lal Choudhary, Proprietor
Vandan Vastralaya, Resident of Mohalla- D.B. Road, Saharsa, P.S. Saharsa,
District- Saharsa.

... .. Petitioner/s

Versus

1. Megha Swati @ Neha Gupta, wife of Sri Birendra Kumar, D/o- Sri Vijay Kumar Gupta, Resident of East Market near College Gate, Saharsa, P.S. - Saharsa, District- Saharsa.
2. Vijay Kumar Gupta, son of Late Bhushan Prasad Gupta, Resident of Mohalla- D.B. Road, Saharsa, P.S. Saharsa, District- Saharsa.
3. Renuka Gupta, Wife of Vijay Kumar Gupta, resident of Mohalla- D.B. Road, Saharsa, P.S. Saharsa, District- Saharsa.
4. Kunal Gaura @ Vikash Son of Vijay Kumar Gupta resident of Mohalla- D.B. Road, Saharsa, P.S. Saharsa, District- Saharsa.
5. Vishal Gaurav @ Pintu Son of Vijay K Umar Gupta resident of Mohalla- D.B. Road, Saharsa, P.S. Saharsa, District- Saharsa.

... .. Opposite Party/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 10-04-2024

Re:- I.A. No. 1 of 2024

This Interlocutory Application has been filed for con-
donation of delay in filing the present MJC, it is stated that there
was no intentional or willful latches on the part of the petitioner
and due to circumstances stated in the interlocutory application
the delay has been caused.

2. Learned counsel for the petitioner submits that
there is merit in this case and the delay in filing the present case



may be condoned.

3. Petition is supported with the affidavit. Learned counsel for the respondents has no objection to this petition.

4. Having heard both the parties and considering the averments made in the application, I.A. No. 1 of 2024, is allowed. The delay in filing the MJC is condoned.

Re:-MJC No. 34 of 2024

5. The present M.J.C. has been filed for restoration of Civil Revision No. 06 of 2016, which was dismissed for default vide order dated 21.09.2023.

6. It is submitted by the learned counsel for the petitioner that he was under the treatment at Delhi and due to that reason on the date of impugned order he was not present in this Court on 21.09.2023.

7. Learned counsel for the appearing opposite parties submits that earlier also the case was dismissed for default.

8. The petitioner further submits that in future, he will appear in the Court and assist the Court in disposal of the Civil Revision No. 06 of 2016.

9. Having heard the petitioner in person and learned counsel for the other parties and considering the averments made in the application, it appears that sufficient cause has been



shown by the petitioner for his non-appearance on 21.09.2023.

10. Accordingly, the present M.J.C. No. 34 of 2024 is allowed. Let Civil Revision No. 06 of 2016 be restored to its original file.

(Sunil Dutta Mishra, J)

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