

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.981 of 2025**

**In**  
**FIRST APPEAL No.97 of 2009**

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1. Sakshi Kumari, D/o- Bijay Chauhan, Resident of Village-Murliganj, Ward 5 (old), 9 (New), P.O. and P.S.- Murliganj, District-Madhepura.
  2. Avinash Kumar, S/o- Bijay Chauhan, resident of village- Murliganj ,Ward 5(Old),9(New),P.O. and P.S.- Murliganj, District Madhepura.
  3. Ajay Chauhan Son of Ram Chandra Chauhan Resident of Village-Murliganj, Ward 5 (old), 9 (new) P.O. and P.S.- Murliganj, District-Madhepura.
  4. Jeetu Chauhan Son of Ram Chandra Chauhan Resident of Village-Murliganj Ward 5 (old), 9 (new) P.O. and P.S.- Murliganj, District-Madhepura.

... .. Petitioner/s

Versus

1. Rajesh Chauhan Son of Late Basant Chauhan Resident of Village- Ward No.- 5 (old), 9 (new) Murliganj, P.O. and P.S.- Murliganj, District-Madhepura.
2. Ahilya Devi Wife of Late Mahavir Prasad Yadav Resident of ward no.-12, Murliganj, P.S.- Murliganj, District- Madhepura.
3. Jitendra Kumar Yadav Son of Late Mahavir Prasad Yadav Resident of ward no-12, Murliganj, P.S.- Murliganj, District- Madhepura.
4. Chandan Kumar Yadav Son of late Mahavir Prasad Yadav Resident of ward no-12, Murliganj, P.S.- Murliganj, District- Madhepura.
5. Sonu Kumar Yadav Son of Late Mahavir Prasad Yadav Resident of ward no-12, Murliganj, P.S.- Murliganj, District- Madhepura.
6. Basant @ Babli Devi Daughter of Late Mahavir Prasad Yadav Resident of ward no-12, Murliganj, P.S.- Murliganj, District- Madhepura.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, Adv.  
For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

5      21-11-2025                      Learned counsel for the petitioners is permitted to make necessary correction on the first page of the petition with regard to the provision of the Code of Civil Procedure (in short, 'CPC') under which the instant MJC has been filed.



2. The instant MJC has been filed by the petitioners (appellants in F.A. No. 97 of 2009) under Order XLI Rule 19 of the CPC, with a prayer to re-admit F.A. No. 97 of 2009, which was dismissed for want of prosecution vide order dated 24.02.2025.

3. Mr. Bhola Prasad, learned counsel appearing for the petitioners submits that F.A. No. 97 of 2009 is a very old case and earlier it was listed on several occasions under the heading 'For Hearing' and the same was part-heard by the then Bench and thereafter, again listed on several occasions but it could not be taken up for final hearing and finally, it was listed on 24.02.2025 and on that day at about 2:15 P.M., when the appeal was taken up for hearing, the appeal could not be represented by him on account of mistake being occurred due to his clerk, for not marking the cause list and the same was not intentional. It is further submitted that the petitioners/appellants have a good case on merit in the appeal and if the same is not decided on merit then the petitioners/appellants will suffer an irreparable loss.

4. Considering the aforesaid submissions and taking into account the averments made in this MJC and in the interest of justice, F.A. No. 97 of 2009 is re-admitted to its original



position in which it was at the time of dismissal.

5. Office is directed to inform the learned counsel, who was appearing on behalf of the respondents at the time of dismissal of F.A. No. 97 of 2009, to represent the respondents.

6. Accordingly, the instant MJC No. 981 of 2025 stands allowed and F.A. No. 97 of 2009 is restored to its original file.

(Shailendra Singh, J)

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