

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1326 of 2023

In
Miscellaneous Appeal No.148 of 2014

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1. The Branch Manager, The New India Assurance Company Ltd. West Bengal and Anr. G.T. Road, Post Office- Panagarh Bajar District- Burdwan, West Bangal.
 2. The Divisional Manager, The New indian Assurance Co. Ltd. North Of Gandhi Maidan, Patna.

... .. Petitioners

Versus

1. Nazira Khatoon Wife of Md. Muzahir Resident of Village-Teighi Makhdunipur, Post Office Siramia District- Katihar.
2. Md. Akhlak Son of Abdul Sakur Resident Of Village Hafaganj, Post Office Shakaria, District Katihar, Bihar- 854105.
3. Md. Shah Nawaj Son of Md. Abdullah Resident of Jandaha, District Vaishali.
4. Rajeev Kumr Chaudhary Son of Subhash Chaudliary Resident Of Sindhia Makandpur, Police Station- District- Bhagalpur.
5. The Branch Manager, Oriental Insurance Co. Ltd. Null Shyama Talkies Road, Mangal Bajar, Katihar.
6. The Divisional Manager, The Oriental Insurance Co. Ltd. R.B.S.S. Road, Police Station- Kotwali, District- Bhagalpur.

... .. Opposite Partys

Appearance :

For the Petitioners : Mr. Rana Randhir Singh, Advocate.
For the State : Mr.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 11-04-2025 The present MJC application has been filed for restoration of M.A. No. 148 of 2014 which stood dismissed for non-prosecution by peremptory order dated 06.04.2023 whereby the petitioners were required to file requisites of notice and on failure to do the same within the stipulated time, the Appeal was directed to be dismissed without



further reference to the Bench and incidentally, the petitioners could not file the requisites of notice on account of unavoidable reasons and, hence, the appeal stood dismissed for non-prosecution.

2. Heard learned counsel for the petitioners.

3. Learned counsel for the petitioners submits that the failure of the appellant to file requisites of notice within stipulated time is neither willful nor negligent but on account of unavoidable reason as stated in the restoration petition.

4. Accordingly, the present petition is allowed restoring the M.A. No. 148 of 2014 to its original number.

5. Now, I find that the Appeal is already admitted and the same is at the state of issuing notice.

6. Hence, learned counsel for the Appellant is directed to file requisites of notice by both processes i.e. ordinary as well as registered cover with A/D, for which, requisites etc. must be filed within two weeks' from today.

7. Put up this case on 20.06.2025.

8. In the meantime, call for the LCR from learned Adhoc Additional District Judge-III-cum-Motor Accident



Claim Tribunal, Bhagalpur in connection with MACT Case
No. 77 of 2006/Trial No. 23 of 2011.

(Jitendra Kumar, J)

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