

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3704 of 2024

In
TEST CASE No.5 of 2008

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1. Gopal Prasad Son of Late Sitaram Gupta, resident of Mohalla - Chhoti Khagaul, P.O. and P.S. Khagaul, District- Patna.
 2. Hari Prasad, son of Late Sitaram Gupta, resident of Mohalla - Chhoti Khaaul, P.O. and P.S. Khagaul, District- Patna.

... .. Petitioner/s

Versus

1. Sri Pashupati Nath Gupta Son of Late Sitaram Sao, Resident of Mohalla - Bakarganj, Bajaja, P.O. Bankipur, P.S. Pirbahore, District- Patna.
2. Shiv Vishwanath Prasad Gupta, Son of Late Sitaram Sao, Resident of Mohalla - Bakarganj, Bajaja, P.O. Bankipur, P.S. Pirbahore, District- Patna.
3. Ram Babu, Son of Late Lakhan Lal, Resident of Mohalla - Bakarganj, Bajaja, P.O. Bankipur, P.S. Pirbahore, District- Patna.
4. Sri Suresh Prasad, Son of Late Hira Lal, Resident of Mohalla - Bakarganj, Bajaja, P.O. Bankipur, P.S. Pirbahore, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate Mr. Rakesh Kumar, Advocate Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-02-2025 **I.A. No. 01 of 2025**

The instant interlocutory application has been filed for condonation of delay of 39 days in filing M.J.C. No. 3704 of 2024.

2. Learned senior counsel submits that there is delay of 39 days in filing the MJC petition as the names of the counsel who were engaged after getting no objection from the earlier counsel was not reflected in the cause list. Therefore, the



counsel came to know about dismissal of Test Case No. 05 of 2008 quite late and prays for condoning the delay.

3. For the reasons mentioned in the interlocutory application, I.A. No. 01 of 2025 stands allowed and the delay in filing the MJC petition is condoned.

M.J.C. No. 3704 of 2024

4. The present petition has been filed for restoration of Test Case No. 05 of 2008 which stood dismissed vide order dated 29.08.2024 for non-prosecution.

5. In the light of averments made in the MJC petition, Test Case No. 05 of 2008 is restored to its original file and number.

6. Accordingly, the present MJC petition stands disposed of.

7. Office is directed to verify and take steps so that the name of the learned counsel should appear in the daily cause list.

(Arun Kumar Jha, J)

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