

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3881 of 2024

In
FIRST APPEAL No.438 of 1979

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Satyadeo Narayan Singh, Gender- Male, aged about 65 years, son of Late Lakshmi Narayan Singh, resident of Village- Ekma, P.S.- Ekma, District- Saran.

... .. Petitioner/s

Versus

Sheo Narayan Sah @ Narain Sah, son of Khapsi Sah, resident of Village- Khutkarhwa at present Village- Ekma, P.S.- Ekma, District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Prasad, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

5 04-07-2025

Interlocutory Application No.01 of 2025

This interlocutory application has been filed for condoning the delay of one years two months and twenty three days in filing the present application.

2. For the reasons stated in the petition, the delay in filing the application is condoned.

3. Interlocutory Application No.01 of 2025 stands allowed.

MJC No. 3881 of 2024

4. This application has been filed for restoration of First Appeal No.438 of 1979 which was dismissed for non-prosecution on 04.07.2023.

5. Learned counsel for the petitioner submits that due



to his prolonged illness, he could not attend the Court and thus, could not appear on 04.07.2023, due to which First Appeal No.438 of 1979 was dismissed for non-prosecution.

6. For the reasons stated in the petition, this application is allowed and First Appeal No.438 of 1979 is restored to its original number and file.

7. The record indicates that in the order dated 05.03.2025, 'Order No. 70' has been typed in place of 'Order No.04'.

8. Let the order number of the order dated 05.03.2025, be read as "Order No.04", in place of 'Order No.70'.

9. Order number of the order 05.03.2025 stands modified to the aforesaid extent.

(Khatim Reza, J)

J. Alam/-

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