

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4437 of 2024

In
FIRST APPEAL No.223 of 2019

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1. Sri Prakash Gupta Son of Late Hari Narayan Gupta, Resident of village - Sonbarsa, Police Station - Shahpur, District - Bhojpur.
 2. Ram Krishna Prasad Verma, Son of Dwarika Prasad Verma, Resident of village, Post Office and Police Station - Brahmpur, District- Buxar.
 3. Hari Prasad Verma, Son of Dwarika Prasad, Resident of village, Post office and Police Station - Brahmpur, District- Buxar.
 4. Dulhin Prabhawati Devi @ Prabhawati Devi, Wife of Ram Krishna Verma, Resident of village, Post Office and Police Station - Brahmpur, District - Buxar.
 5. Dulhin Gudia Devi @ Dudiya Devi, Wife of Hari Prasad Verma, Resident of village, Post Office and Police Station - Brahmpur, District - Buxar.

... .. Petitioner/s

Versus

1. Jamvanti Devi Widow of Late Prem Ranjan Gupta, Resident of Village and Post - Sonbarsa, Police Station - Shahpur, District - Bhojpur. Presently residing at Village and Post - Brahmpur, Police Station - Brahmpur, District - Buxar.
2. Rajeev Gupta, Son of Late Prem Ranjan Gupta, Resident of Village and Post - Sonbarsa, Police Station - Shahpur, District - Bhojpur. Presently residing at Village and Post - Brahmpur, Police Station - Brahmpur, District - Buxar.
3. Ratan Gupta, Son of Late Prem Ranjan Gupta, Resident of Village and Post - Sonbarsa, Police Station - Shahpur, District - Bhojpur. Presently residing at Village and Post - Brahmpur, Police Station - Brahmpur, District - Buxar.
4. Sanjay Gupta, Son of Late Prem Ranjan Gupta, Resident of Village and Post - Sonbarsa, Police Station - Shahpur, District - Bhojpur. Presently residing at Village and Post - Brahmpur, Police Station - Brahmpur, District - Buxar.
5. Manish Gupta, Son of Late Prem Ranjan Gupta, Resident of Village and Post - Sonbarsa, Police Station - Shahpur, District - Bhojpur. Presently residing at Village and Post - Brahmpur, Police Station - Brahmpur, District - Buxar.
6. Poonam Gupta, Daughter of Late Prem Ranjan Gupta, Resident of Village and Post - Sonbarsa, Police Station - Shahpur, District - Bhojpur. Presently residing at Village and Post - Brahmpur, Police Station - Brahmpur, District - Buxar.
7. Priti Gupta @ Priti Gupt, Daughter of Late Prem Ranjan Gupta, Resident of Village and Post - Sonbarsa, Police Station - Shahpur, District - Bhojpur. Presently residing at Village and Post - Brahmpur, Police Station - Brahmpur, District - Buxar.
8. Sri Bhagwan Gupta, Son of Late Shiv Narayan Gupta, Resident of Village and Post - Sonbarsa, Police Station - Shahpur, District - Bhojpur. Presently residing at Village and Post - Brahmpur, Police Station - Brahmpur, District -



Buxar.

- 9. Malti Devi, Wife of Arbind Kumar Gupta, Resident of village and Post-Dhanwath, Police Station - Navanagar, District - Buxar.
- 10. Maya Devi, Wife of Raj Kumar Gupta, Resident of Bhagwan Bazar, Chhapra, Near - Panch Mandir, Police Station and Post- Chhapra, District - Saran.
- 11. Usha Devi, Wife of Sri Prakash Gupta, Resident of village- Katahri Bagh, Chhapra, Hanuman Mandir, Post Office and Police Station - Chhapra, District - Saran.
- 12. Vinay Gupta, Son of Late Hari Narayan Gupta, Resident of village and Post Office- Sonbarsa, Police Station - Shahpur, District - Bhojpur.
- 13. Ajay Kumar Gupta, Son of Late Hari Narayan Gupta, Resident of Village and Post - Sonbarsa, Police Station - Shahpur, District - Bhojpur.
- 14. Uma Shankar Gupta, Son of Late Shiv Narayan Gupta, Resident of village and Post office- Sonbarsa, Police Station - Shahpur, District - Bhojpur. At Present residing at C/o K.K. Nath, Mohalla- Mankayat, Post Office and Police Station - Dhunari, District - Dhunari (Assam).
- 15. Vinod Gupta, Son of Late Shiv Narayan Gupta, Resident of village and Post Office- Sonbarsa, Police Station - Shahpur, District - Bhojpur. At Present residing at C/o K.K. Nath, Mohalla - Mankayat, Post Office and Police Station - Dhunari, District - Dhunari (Assam).
- 16. Mahesh Prasad Gupta, Son of Late Kanhaiya Gupta, Resident of village and Post Office - Sonbarsa, Police Station - Shahpur, District - Bhojpur. At present residing at C/o K.K. Nath, Tura Bazar, Post Office - Tura Bazar, District - West Garo Hill, State - Meghalaya.
- 17. Rameshwar Prasad Gupta, Son of Late Kanhaiya Gupta, Resident of Village and Post Office- Sonbarsa, Police Station- Shahpur, District - Bhojpur. At present residing at village and Post Office and Police Station - Brahmpur, District- Buxar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Kumar, Adv.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-01-2025 This is an application seeking restoration of the F.A.

No. 223 of 2019 which was dismissed for default vide order

dated 03.12.2024.

2. Mr. Harendra Kumar, learned counsel appearing for



the applicants submits that on 03.12.2024, the instant appeal was listed at serial No. 3 under the heading ‘For Orders (On Office Notes)’ and on the said date when the case was called out, no one appeared on behalf of the appellants, in actual, learned counsel appearing for the appellants was out of station for attending the Shradhkarm of late mother of one of his associates, hence, he could not mark the list properly so he could not appear before this Court, and further he submits that if the original file, i.e., F.A. No. 223 of 2019 is not restored then the appellants will suffer an irreparable loss.

3. Having considered the above submissions, F.A. No. 223 of 2019 is restored to its original file.

4. The instant MJC No. 4437 of 2024 stands allowed.

(Shailendra Singh, J)

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