

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4462 of 2024

In
FIRST APPEAL No.290 of 2007

=====

Ashok Kumar son of Late Kedar Ram @ Kedar Prasad, Resident of Village -
Bandhan Patwa Road, Ward No. 17, P.O. and P.S. - Dumraon, District -
Buxar.

... .. Petitioner/s

Versus

1. Pushpa Devi Wife of Late Rabindra Prasad, Resident of Village-Chawk Road, At P.O. and P.S. - Dumraon, District - Buxar.
2. Bikarma Prasad, Son of Late Rabindra Prasad, Resident of Chawk Road, At P.O. and P.S. - Dumraon, District - Buxar.
3. Ramji Prasad, Son of Late Rabindra Prasad, Resident of Chawk Road, At P.O. and P.S. - Dumraon, District - Buxar.
4. Smt. Jaya Verma, wife of Late Luxuman Prasad, Resident of Chawk Road, At P.O. and P.S. - Dumraon, District - Buxar.
5. Name not known, minor son of Late Luxuman Prasad, Resident of Chawk Road, At P.O. and P.S. - Dumraon, District - Buxar.
6. Name not known, minor son of Late Luxuman Prasad, Resident of Chawk Road, At P.O. and P.S. - Dumraon, District - Buxar.
7. Biki, son of Late Rabindra Prasad, Resident of Chawk Road, At P.O. and P.S. - Dumraon, District - Buxar.
8. Sheela Verma, D/o Late Rabindra Prasad, Resident of Chawk Road, At P.O. and P.S. - Dumraon, District - Buxar.
9. Soni Verma, D/o Late Rabindra Prasad, Resident of Chawk Road, At P.O. and P.S. - Dumraon, District - Buxar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vishwanand Upadhyay
For the Opposite Party/s : None.

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 04-04-2025 The instant miscellaneous jurisdiction case (MJC) has

been filed under Section 151 of the Code of Civil Procedure

with a prayer to restore the First Appeal (FA No. 290 of 2007)

which stood dismissed on account of non-prosecution vide order



dated 28.11.2024.

2. Learned counsel appearing for the appellant submits that the F.A. No. 290 of 2007 was listed under the heading 'For Hearing' when it was dismissed on account of default in appearance on the part of appellant but the non-appearance of the appellant as well as of his conducting Advocate on the said date was not intentional, rather the reason for non-appearance was that his counsel did not receive the proper message regarding the date of hearing when the appellant's appeal was taken up for hearing and dismissal of his appeal without getting it heard on merit will cause an irreparable loss to the appellant.

3. Considering the aforesaid submissions as well as averments made in this application, this court directs to readmit the F.A. No. 290 of 2007 in its original file and the instant petition stands allowed.

(Shailendra Singh, J)

Rajiv/-

U			
---	--	--	--

