

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.344 of 2026

In
FIRST APPEAL No.96 of 2024

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1. Ganesh Sharma, Son of Late Kailash Tanti, Resident of Village- Baijnathpur, Police Station- Sour Bazar, District - Saharsa.
 2. Ranjit Sharma, Son of Late Kailash Tanti, Resident of Village- Baijnathpur, Police Station- Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

1. Budhni Devi, Wife of Sri Umesh Tanti Sharma, Daughter of Late Kailash Tanti, Resident of Village- Patuaha, Police Station - Saharsa, District - Saharsa.
2. Most. Kishuni Devi, Wife of Late Kailash Tanti, Resident of Village- Baijnathpur, Police Station- Sour Bazar, District - Saharsa.
3. Jaya Devi, Wife of Sri Keshav Sharma, Daughter of late Kailash Tanti Resident of Village Batraha, Police Station - Saharsa, District - Saharsa.
4. Bisi Devi, Wife of Sri Biro Sharma, Daughter of Late Kailash Tanti Resident of Village Batraha, Police Station- Saharsa, District - Saharsa.
5. Neelam Devi, Wife of Sri Manish Sharma, Daughter of Late Kailash Tanti, Resident of Village- Bancholha, Police Station - Sour Bazar, District - Saharsa.

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-06-2026 The instant M.J.C. has been filed with a prayer to restore the First Appeal No. 96 of 2024 which was dismissed for non-prosecution as well as in view of the office report regarding the maintainability of the appellants' appeal.

2. Learned counsel for the appellants submits that on 07.11.2025, when the appeal was taken up, he could not appear



on account of his illness and that his non-appearance was neither deliberated nor intentional and in this regard, specific statements have been made in paragraph nos. 4 and 5 of the application and he did not get sufficient opportunity to make his submission with regard to the report of the office.

3. Considering the aforesaid submissions and taking into account the averments made in the present application, First Appeal No. 96 of 2024 filed by the appellants is hereby restored to its original position. However, the question of maintainability, as raised by the office, shall be considered and decided at the time of admission.

4. Accordingly, the instant restoration application stands allowed.

(Shailendra Singh, J)

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