IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1821 of 2023

In

CIVIL MISCELLANEOUS JURISDICTION No.191 of 2018

CNR No. BRHC010614902023

==========

1. Prem Prasd Son of Late Dhrupdev Prasad Resident of Village and Post Office and Police Station- Vijaypur, District- Gopalganj.
2. Deepu Prasad @ Deepu Srivastava Son of Late Sachidanand Prasad @ Sachidanand Srivastava, Resident of Village and Post Office and Police Station- Vijaypur, District- Gopalganj.
3. Satish Chandra Prasad Son of Late Krishna Nand Prasad, Resident of Village and Post Office and Police Station- Vijaypur, District- Gopalganj.
4. Ajit Prasad Son of Late Krishna Nand Prasad, Resident of Village and Post Office and Police Station- Vijaypur, District- Gopalganj.
5. Anjani Prasad Son of Late Krishna Nand Prasad, Resident of Village and Post Office and Police Station- Vijaypur, District- Gopalganj.
6. Jai Prkash Prasad @ Jayprakash Srivastava Son of Late Sachidanand Prasad @ Sachidanand Srivastava, Resident of Village and Post Office and Police Station- Vijaypur, District- Gopalganj at present resident of A/146, 02a, Park, AG Colony, Phulwari, Ashiananagar, Phulwari, District- Patna, Bihar.

... ... Petitioner/s

Versus

1. Shriram Yadav Son of Ganesh Yadav, Resident of Village- Vijayipur, P.O. and P.S.- Vijayipur, District- Gopalganj.
2. Shrikant Yadav Son of Ganesh Yadav, Resident of Village- Vijayipur, P.O. and P.S.- Vijayipur, District- Gopalganj.
3. Rajendra Yadav Son of Late Bandhu Yadav, Resident of Village- Vijayipur, P.O. and P.S.- Visunpura, District- Gopalganj.
4. Ramnath Yadav Son of Late Jagroop Yadav, Resident of Mohalla G-318, Rai Vihar Chargaon, Gorakhpur.
5. Baburam Yadav Son of late Jagroop Yadav, Resident of Mohalla G-318, Rai Vihar Chargaon, Gorakhpur.
6. Vriksha Yadav Son of late Bharat Yadav, Resident of Mohalla G-318, Rai Vihar Chargaon, Gorakhpur.
7. Vidyavati Devi Daughter of Uma Shankar Prasad, Resident of Mohalla G-318, Rai Vihar Chargaon, Gorakhpur.
8. Ramesh Kumar Yadav Son of Late Uma Shankar Prasad, Resident of Mohalla G-318, Rai Vihar Chargaon, Gorakhpur.
9. Neerja Devi Daughter of Late Vishwanath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
10. Ashish Kumar Son of Late Vishwanath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.

WEB COPY

11. Ankit Kumar Son of Late Vishwanath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
12. Shanti Devi Daughter of Late Mahesh Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
13. Sita Kunwar Daughter of Nagendra Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
14. Tarkeshwar Prasad Son of Chandrika Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
15. Sidheshwar Prasad Son of Chandrika Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
16. Manoj Kumar Son of Late Dharamnath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
17. Vinay Kumar Son of Late Dharamnath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
18. Sanjay Kumar Son of Late Dharamnath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
19. Ajay Kumar Son of Late Dharamnath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
20. Baby Devi Daughter of Late Dharamnath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
21. Sharda Devi Daughter of Late Dinesh Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
22. Anupam Kumar Daughter of Sanjany Kumar Shrivastav, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
23. Nanda Prasad Son of Late Satyadev Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
24. Bindu Prasad Son of Late Badri Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
25. Anand Prasad Son of Late Badri Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
26. Dilip Kumar Shrivastav Son of Late Ramdas Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
27. Sunil Kumar Shrivastav Son of Late Ramdas Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
28. Sanjeev Prasad Son of Late Ramdas Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
29. Pramod Kumar Son of Late Vashishth Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
30. Anil Kumar Son of Late Vashishth Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
31. Vidyavati Kunwar Daughter of Vashishth Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
32. Mosammat Rupa Devi Daughter of Late Bhola Prasad, Resident of

WEB COPY

Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.

33. Sudha Devi Daughter of Bhola Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
34. Rajendra Prasad Son of Saheb Jada Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
35. Mosammat Kanti Devi Daughter of Shambhu Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
36. Anjani Kumar Son of Late Shambhu Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
37. Sanjay Kumar Son of Late Shambhu Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
38. Praveen Kumar Son of Late Shambhu Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
39. Neeraj Kumar Son of late Shambhu Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
40. Gayatri Devi Daughter of Late Madan Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
41. Santosh Kumar Son of Late Madan Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
42. Chandan Kumar Son of Late Jhulan Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
43. Sujit Kumar Son of Late Jhulan Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
44. Sumit Kumar Son of Late Jhulan Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
45. Ranjan Prasad Son of Mankeshwar Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
46. Prabhat Prasad Son of Late Paras Nath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
47. Praveen Prasad Son of Late Paras Nath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
48. Pradeep Prasad Son of Late Paras Nath Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
49. Kamla Devi Daughter of Purshottam Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
50. Sudhir Kumar Son of Late Purshottam Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
51. Subodh Kumar Son of Late Purshottam Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
52. Chaya Kunwar Daughter of Vinod Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.
53. Niranjan Prasad Son of Late Vinod Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.

WEB COPY

54. Ghanshyam Prasad Son of Late Kapildev Prasad, Resident of Vijayipur, P.S. and P.O.- Vijayipur, District- Gopalganj.

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr.Ranjeet Kumar
For the Opposite Party/s : Mr.Om Prakash Kumar

==========

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 06-11-2026 1. Heard the parties.

2. The present application has been filed for restoration of Civil Miscellaneous No. 191 of 2018, which stood dismissed on 28.07.2022 due to non compliance of peremptory order dated 14.07.2022.

3. Learned counsel for the petitioners submits that by order dated 14.07.2022 this Court issued notice upon the respondents, who are 54 in number. After the order, the petitioners consulted learned counsel and informed that only 08 respondents are necessary / contesting parties in the case, and therefore, issuance of notice upon other respondents is not necessary. As per the instruction, the respondent no. 1 to 7 & 53 are the necessary parties, who are contesting the case before the learned court below. Accordingly, the petitioners complied with the direction of this Court and submitted requisites for issuance of notice upon respondent nos. 1 to 7 & 53 and for the remaining respondents filed I.A. No. 1 of 2022 for modification

WEB COPY

of the order dated 14.07.2022. Since it was Covid period, the I.A. was filed through Online mode and thereafter I.A. No. 1 of 2022 could not be listed before this Court and accordingly the case has been dismissed for default on the ground of non compliance of peremptory order.

4. Considering the aforesaid submissions of the petitioners, this application is allowed and the connected case bearing Civil Miscellaneous No. 191 of 2018 is restored to its original file.

(Anil Kumar Sinha, J)

praful/-

U			

WEB COPY