

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1544 of 2015

In

Civil Writ Jurisdiction Case No. 12945 of 2010

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Jai Prakash Mishra S/O Shri Bishwa Nath Prasad Mishra, R/O Mohalla- Koat
Bazar, Ward No.- 9,Sitamarhi, P.S.-Sitamarhi,District - Sitamarhi.

.... Petitioner/s

Versus

1. The Union of India, through the Secretary to the Government of India, Ministry of Petroleum ,New Delhi.
2. The Secretary to the Government of India, Ministry of Petroleum, New Delhi.
3. The State of Bihar, through the Chief Secretary to the Govt. of Bihar .
4. The District Magistrate, Sitamarhi.
5. The Chairman, Bharat Petroleum Corporation Limited, Bharat Bhawan,4 and 6, Currimbhoy Road, Ballard Estate ,Mumbai-40001
6. The Managing Director, Bharat Petroleum Corporation Limited, Bharat Bhawan,4 And 6 , Currimbhoy Road, Ballard Estate,Mumbai-40001.
7. The General Manager, Bharat Petroleum Corporation Limited, Bharat Bhawan, Plot No.-31,Prince Gulab Mohammad Shah Road, Golf Green,Kolkata,700095.
8. Shri Rajiva Dutta,The Area Marketing Manager, Bharat Petroleum Corporation Limited, Patna.
9. Shri P.M.Jha, the Territory Manager,(Retail), Bharat Petroleum Corporation Limited, Barauni, N.H.31,P.O.-Paparaaur,Dist.-Begusarai.
10. Shri Dhananjay Kumar ,Sales Officer, Bharat Petroleum Corporation Limited,Barauni,(Ratail),Terrotory,N.H.-31,P.O.-Paparaaur,Dist. Begusarai.
11. Rakesh Kumar S/O Not known R/O Moh.-Sonapatti,P.S.-Sitamarhi,Dist.-Sitamarhi.

.... Opp.Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Ballabha Sharma

For the Opp.Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 02-09-2015

Heard the parties.

The present M.J.C. application has been filed on behalf of the petitioner seeking restoration of C.W.J.C. No. 12945 of 2010, which stood dismissed for want of prosecution by an order dated 01.04.2015.

While passing the aforesaid order dated 01.04.2015 in C.W.J.C. No. 12945 of 2010, this Court had noticed the

submissions of the learned counsel appearing on behalf of the respondents that the matter has become infructuous. However, learned counsel appearing on behalf of the petitioner submits that the submissions made therein on behalf of the respondents were not correct and, in fact, cause of action is still surviving.

In above view of the matter, this Court is of the opinion that instead of restoring the aforesaid C.W.J.C. No. 12945 of 2010 to its original file, the interest of justice shall be sub-served if the petitioner is granted liberty to file a fresh writ petition in the same subject matter particularly with respect to cause of actions, which are still surviving. It is ordered accordingly.

If such a fresh writ petition is filed on behalf of the petitioner in the same subject matter within a period of one month from today after bringing on record all the subsequent developments, which might have taken place during the interregnum period, then the same shall be considered and decided on its own merit without being prejudiced/ influenced by the order dated 01.04.2015 passed in C.W.J.C. No. 12945 of 2010 and that shall not be dismissed on the ground of the principles of res judicata .

The present application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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