

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5325 of 2013

In
Civil Writ Jurisdiction Case No. 237 of 2009

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Naresh Mohan Mandal S/O Late Doman Mandal, resident of Village Tara Bari, P.O. + P.S. Araria, District Araria.

.... Petitioner/s

Versus

1. Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Bir Chand Patel Marg, Patna.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
3. Chief of Claim, Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Birchand Patel Marg, Patna.
4. Chief Administration, Bihar State Food and Civil Supplies Corporation, Sone Bhawan, Birchand Patel Marg, Patna

.... Opposite Parties/s

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Appearance :

For the Petitioner/s : Dr.Uma Shankar Prasad, Sr.Advocate
Mr. Kamala Kant Tiwary, Advocate

For the Opp.Parties/s : Mr. R.S.Pradhan, Sr.Advocate
Mr.Amrendra Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 09-12-2015

Heard the parties.

The present MJC application has been filed on behalf of the petitioner for restoration of CWJC No. 237 of 2009 which stood dismissed for want of prosecution by order dated 28.01.2013.

In view of the fact that after filing the aforesaid writ petition on 05.01.2009 more than five years have already elapsed, but all the subsequent developments which might have taken place during the interregnum period are not available on the record; therefore, this Court is of the opinion that in stead of restoring the aforesaid CWJC No. 237 of 2009 to its original file, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh writ petition in the same subject matter after bringing on

record all the subsequent developments which might have taken place during the interregnum period. It is ordered accordingly.

If such a writ petition is filed on behalf of the petitioner within a period of one month with a certified copy of the present order, then the same shall be considered and decided on its own merits and shall not be dismissed on the ground of principles of res judicata in view of dismissal of the aforesaid CWJC No. 237 of 2009 by the aforesaid order dated 28.01.2013 for want of prosecution.

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

(Birendra Prasad Verma, J)

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